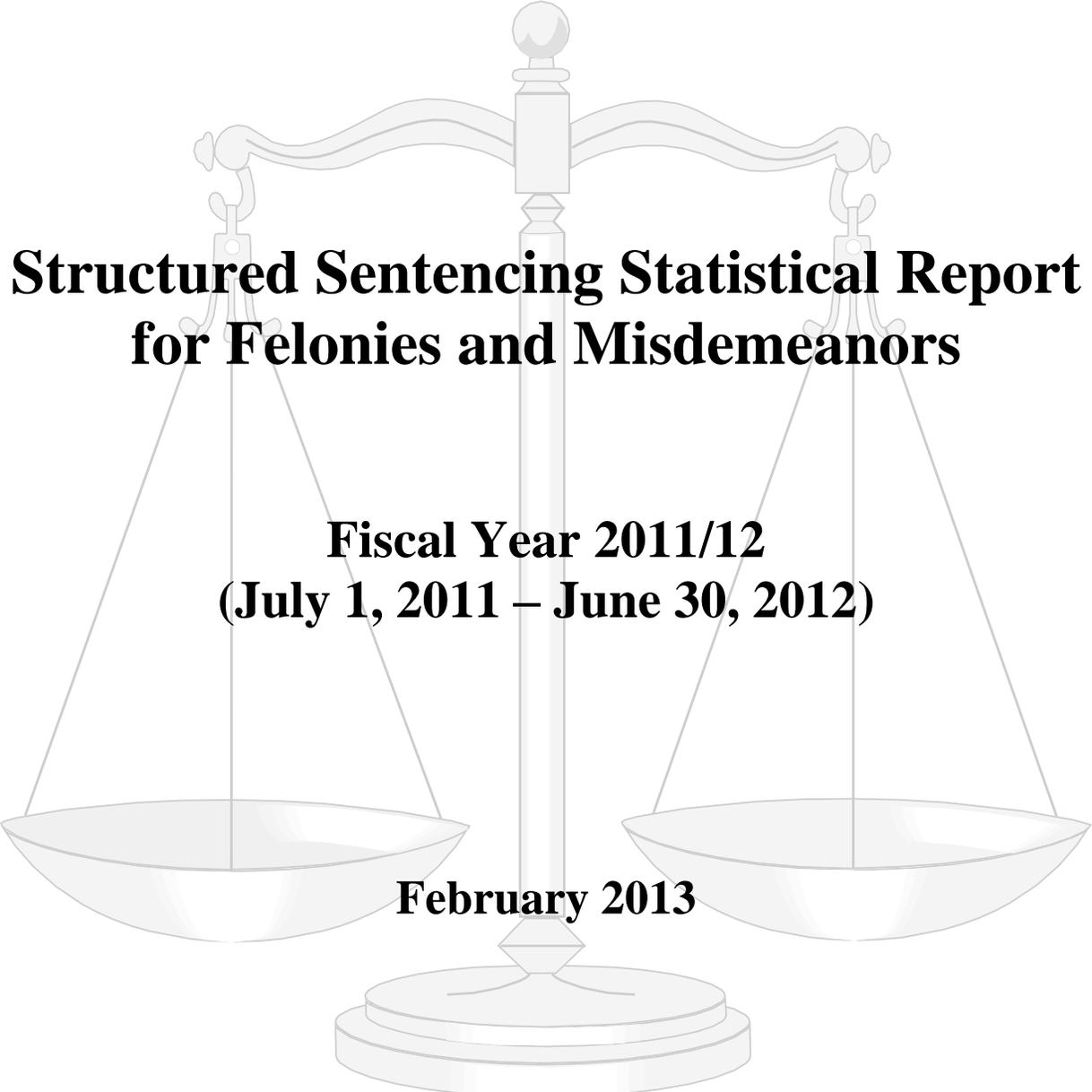


North Carolina
Sentencing and Policy Advisory Commission



**Structured Sentencing Statistical Report
for Felonies and Misdemeanors**

**Fiscal Year 2011/12
(July 1, 2011 – June 30, 2012)**

February 2013

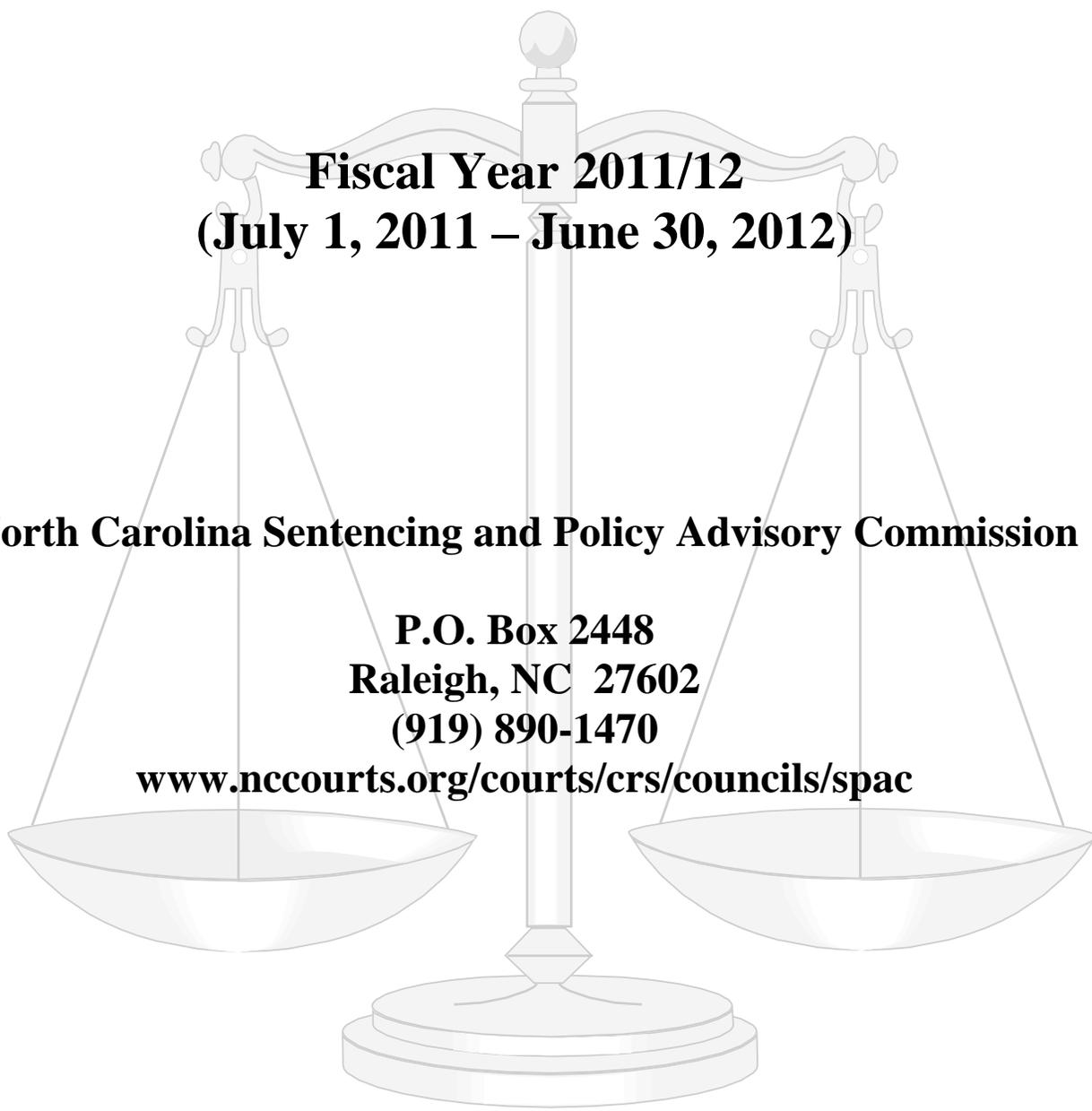
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Structured Sentencing Statistical Report for Felonies and Misdemeanors



**Fiscal Year 2011/12
(July 1, 2011 – June 30, 2012)**

North Carolina Sentencing and Policy Advisory Commission

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INTRODUCTION

INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2011/12 (July 1, 2011 through June 30, 2012). The report only includes cases where an offender was convicted and sentenced for a crime which was committed on or after October 1, 1994 – the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment charts, and the types of punishments imposed, as well as data about several other issues. Information for felony convictions is presented in *Section I*, while information for misdemeanor convictions is presented in *Section II*. Details regarding the substance and application of the sentencing laws under Structured Sentencing are provided in the North Carolina Sentencing and Policy Advisory Commission’s *Structured Sentencing Training and Reference Manual*.

This report reflects the laws and practices that were in place during FY 2011/12. In 2009, the General Assembly passed changes to minimum sentence lengths and prior record point distributions in the felony punishment chart (effective for offenses committed on or after December 1, 2009). Eighty-nine percent of sentences imposed in FY 2011/12 were based on offenses occurring on or after December 1, 2009.¹

In 2011, the General Assembly passed substantial legislative changes to North Carolina’s sentencing and correctional practices. The Justice Reinvestment Act (JRA) of 2011 (S.L. 2011-192) redefines Community and Intermediate punishments, creates a new status offense of habitual breaking and entering, changes habitual felon punishments, authorizes early release from prison under certain conditions, expands post-release supervision to all incarcerated felons, and creates a program for certain misdemeanants to serve active sentences in jails rather than prison. Further information on the JRA can be found in the Commission’s *Justice Reinvestment Act Implementation Evaluation Report*.

A majority of the JRA provisions related to changes in sentencing became effective for offenses committed on or after December 1, 2011. Because this report covers convictions from July 1, 2011 through June 30, 2012, most of the convictions (90% of felony convictions and 80% of misdemeanor convictions) were not subject to the changes made under the JRA. As more cases with offenses committed on or after December 1, 2011 come through the court system, future reports will reflect sentencing practices under the JRA.

¹ Because some convictions covered in the report were sentenced under the previous felony punishment chart (for offenses committed on or after 12/1/1995 but before 12/1/2009), the statistical tables do not include the number of prior record points associated with each Prior Record Level.

REPORTING OF CONVICTIONS AND SENTENCES

The information presented in this statistical summary is based on data entered into the Administrative Office of the Courts' (AOC's) Automated Criminal Infraction System (ACIS) by the court clerk following the imposition of the sentence. The report covers all North Carolina counties.

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

Definition of a Sentencing Episode:

A *sentencing episode* is identified from court records as the sentence imposed for the *most serious conviction* on a given day of court. While a sentencing episode involves one offender, in our reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report the unit of analysis is referred to as "conviction."

SUMMARY OF FINDINGS

FELONY AND MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2011/12

**STRUCTURED SENTENCING STATISTICAL REPORT
SUMMARY OF FINDINGS
FISCAL YEAR 2011/12 CONVICTIONS**

Felony Convictions

- During Fiscal Year 2011/12, sentences for 28,169 felony convictions were imposed under Structured Sentencing. (Note: This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties.)
- Thirteen percent of felony convictions fell into Offense Classes A-E, 9% fell into Offense Class F, 13% fell into Offense Class G, 44% fell into Offense Class H, and 21% fell into Offense Class I.
- The majority of felony convictions (60%) were for offenders with Prior Record Levels I and II. Twelve percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).
- Eighty-five percent of convictions were for male offenders; 36% of convictions were for offenders under the age of 26; and 50% of convictions were for Black offenders.
- Forty-one percent of felony convictions resulted in an Active punishment, 41% resulted in an Intermediate punishment, and 18% resulted in a Community punishment.
- Of the four crime types, property offenses (39%) and non-trafficking drug offenses (29%) accounted for the largest groups of felony convictions.
- Sixty-eight percent of all Active sentences fell within the presumptive range; 27% fell within the mitigated range; and 5% fell within the aggravated range.
- Where a specific intermediate sanction was indicated in the AOC database, Special Probation was the most frequently invoked punishment (60%). Offenders who received an Intermediate punishment were most frequently convicted of a Class H offense.
- Of all felony offenders who received a Community punishment, 96% received supervised probation; 3% received unsupervised probation; and less than 1% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment.
- Other information of interest includes: 2 death sentences and 69 life without parole sentences were imposed for felons convicted of first degree murder or first degree rape; there were 4 violent habitual felon convictions; there were 736 habitual felon convictions; there were 543 convictions for drug trafficking offenses; performance of community service was ordered for 12% of all felony convictions; and payment of restitution was ordered for 30% of all felony convictions.

Misdemeanor Convictions

- During Fiscal Year 2011/12, sentences for 140,833 misdemeanor convictions were imposed under Structured Sentencing. (Note: This number excludes Driving While Impaired convictions, cases disposed of by magistrates, Class 2 and Class 3 criminal traffic offenses, and local ordinance offenses.)
- Nine percent of misdemeanor convictions fell into Offense Class A1, 59% fell into Offense Class 1, 15% fell into Offense Class 2, and 17% fell into Offense Class 3.
- Thirty-five percent of misdemeanor convictions fell into Prior Conviction Level I (0 points), 40% fell into Prior Conviction Level II (1-4 points), and 25% fell into Prior Conviction Level III (5 or more points).
- Seventy-five percent of convictions were for male offenders; 33% of convictions were for offenders under the age of 26; and 47% of convictions were for Black offenders.
- Twenty-eight percent of misdemeanor convictions resulted in an Active punishment, 2% resulted in an Intermediate punishment, and 70% resulted in a Community punishment.
- Public order offenses accounted for the majority of misdemeanor convictions (46%), while misdemeanor person offenses accounted for the lowest proportion (11%). Convictions for person offenses were most likely to result in an Active punishment (33%). Person offenses resulted in the longest average Active sentences.
- Where a specific intermediate sanction was indicated in the AOC database, Special Probation was the most frequently invoked (76%). Offenders who received Special Probation were most likely convicted of a Class 1 offense with Prior Conviction Level III.
- Of all misdemeanor offenders who received a Community punishment, 47% received Unsupervised Probation; 35% received Supervised Probation; and 9% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. The remainder had no sanction specified.

SECTION I

**FELONY CONVICTIONS
IN FISCAL YEAR 2011/12**

I. FELONY CONVICTIONS IN FY 2011/12

A. Definition of the Unit of Analysis

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

Definition of a Sentencing Episode:

A *sentencing episode* is identified from court records as the sentence imposed for the *most serious conviction* on a given day of court. While a sentencing episode involves one offender, in our reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report the unit of analysis is referred to as “conviction.”

B. Felony Convictions

This section contains information on felony convictions and sentences imposed under Structured Sentencing during Fiscal Year 2011/12 (July 1, 2011 through June 30, 2012). Overall, sentences for 28,169 felony convictions were imposed. (This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties. Information regarding convictions for these offenses is summarized in *Section VII: Special Issues*.) For many of the tables, information on 2,451 convictions (or almost 9%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. Efforts are ongoing to understand the nature of the data discrepancies and to resolve reporting problems.

The information in this report reflects the laws and practices that were in place during FY 2011/12. As discussed in the Introduction, several changes under the Justice Reinvestment Act became effective for offenses committed on or after December 1, 2011. The felony punishment chart for offenses committed on or after 12/1/2011 is printed on the back cover of the report. The table of maximum sentences (for offenses committed on or after 12/1/2011) can be found on the Commission’s website. Previous felony punishment charts (for offenses committed on or after 12/1/1995 but before 12/1/2009, and for offenses committed on or after 12/1/2009 but prior to 12/1/2011) can also be found on the Commission’s website.

C. Distribution of Convictions within the Felony Punishment Chart

Table 1 shows the distribution of felony convictions within the Felony Punishment Chart. Overall, the greatest number of convictions fell into Offense Class H (n=11,182 or 44%). The majority of convictions (60%) were for offenders in Prior Record Level I (n=7,812 or 30%) and Prior Record Level II (n=7,729 or 30%). Relative to other cells in the Felony Punishment Chart, the greatest number of convictions fell into Offense Class H with Prior Record Level I (n=3,511 or 14%). Sentences imposed for Offense Classes A through E accounted for 13% of felony

convictions during FY 2011/12; 65% of sentences imposed were for Class H and Class I felony convictions.

**Table 1: Distribution of Convictions within the Felony Punishment Chart
FY 2011/12 Felonies**

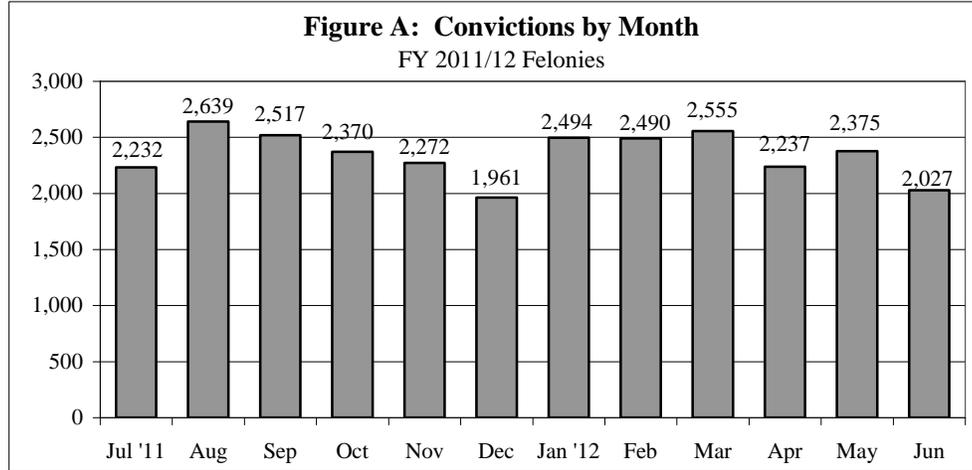
Offense Class	Prior Record Level						Total
	I	II	III	IV	V	VI	
A	37 (0.1%)	12 (0.1%)	14 (0.1%)	4 (0.0%)	1 (0.0%)	2 (0.0%)	70 (0.3%)
B1	74 (0.3%)	25 (0.1%)	11 (0.0%)	7 (0.0%)	3 (0.0%)	2 (0.0%)	122 (0.4%)
B2	109 (0.4%)	69 (0.3%)	48 (0.2%)	21 (0.1%)	9 (0.0%)	8 (0.0%)	264 (1.0%)
C	151 (0.6%)	164 (0.6%)	180 (0.7%)	210 (0.8%)	141 (0.6%)	155 (0.6%)	1,001 (3.9%)
D	296 (1.2%)	202 (0.8%)	114 (0.4%)	47 (0.2%)	35 (0.1%)	20 (0.1%)	714 (2.8%)
E	605 (2.4%)	381 (1.5%)	125 (0.5%)	80 (0.3%)	36 (0.1%)	40 (0.2%)	1,267 (4.9%)
F	756 (2.9%)	674 (2.6%)	457 (1.8%)	196 (0.8%)	104 (0.4%)	115 (0.5%)	2,302 (9.0%)
G	710 (2.8%)	1,098 (4.3%)	779 (3.0%)	430 (1.7%)	149 (0.6%)	146 (0.6%)	3,312 (12.9%)
H	3,511 (13.7%)	3,180 (12.4%)	1,940 (7.5%)	1,237 (4.8%)	702 (2.7%)	612 (2.4%)	11,182 (43.5%)
I	1,563 (6.1%)	1,924 (7.5%)	769 (3.0%)	619 (2.4%)	266 (1.0%)	343 (1.3%)	5,484 (21.3%)
TOTAL	7,812 (30.4%)	7,729 (30.1%)	4,437 (17.2%)	2,851 (11.1%)	1,446 (5.6%)	1,443 (5.6%)	25,718 (100.0%)

Note: Of the 28,169 felony convictions in FY 2011/12, 2,451 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to totals due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

D. Convictions by Month of Sentencing

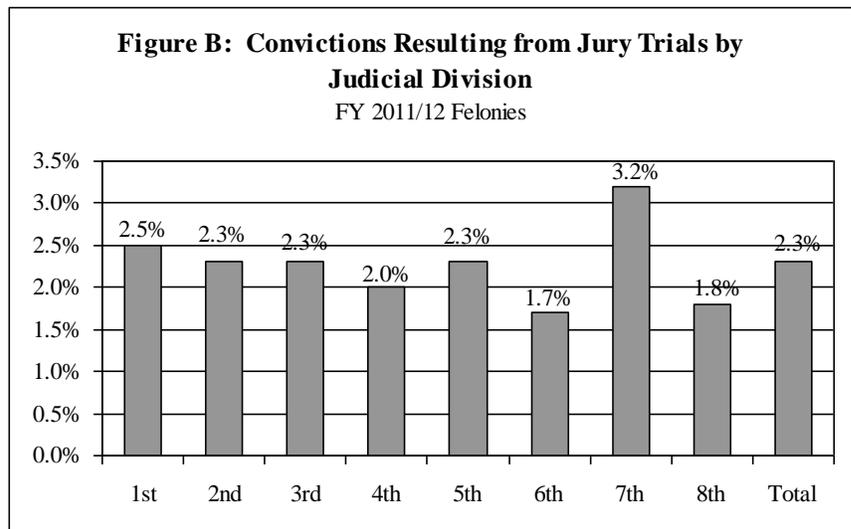
Figure A shows the total number of felony convictions by month of sentencing during Fiscal Year 2011/12 (N=28,169). Convictions were highest in August and lowest in December.



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

E. Convictions by Judicial Division, District, and County

Table 2 displays the total number of convictions by judicial division, judicial district, and county. (See Appendix A for a map of judicial divisions and districts.) The distribution of convictions by judicial division ranged from a low of 8% each in the first and eighth judicial divisions to a high of about 16% in the third, fifth, and seventh judicial divisions. This table also indicates whether the conviction resulted from a guilty plea or jury trial. Overall, 2.3% of convictions statewide resulted from jury trials (see Figure B). The percentage of jury trials varied slightly by judicial division with a low of 1.7% in the sixth division and a high of 3.2% in the seventh division.



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition
FY 2011/12 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<i>First Judicial Division</i>		2,199	56	2,255
District 1	Camden	8	0	8
	Chowan	29	0	29
	Currituck	53	1	54
	Dare	94	3	97
	Gates	17	0	17
	Pasquotank	87	5	92
	Perquimans	30	0	30
	Total	318	9	327
District 2	Beaufort	254	4	258
	Hyde	15	0	15
	Martin	102	4	106
	Tyrrell	16	0	16
	Washington	30	1	31
	Total	417	9	426
District 3A	Pitt	582	6	588
Total	582	6	588	
District 6A	Halifax	153	10	163
Total	153	10	163	
District 6B	Bertie	52	0	52
	Hertford	62	0	62
	Northampton	36	0	36
	Total	150	0	150
District 7A	Nash	239	10	249
Total	239	10	249	
District 7B, C	Edgecombe	158	8	166
	Wilson	182	4	186
	Total	340	12	352
<i>Second Judicial Division</i>		3,173	74	3,247
District 3B	Carteret	192	3	195
	Craven	274	9	283
	Pamlico	33	0	33
	Total	499	12	511
District 4A	Duplin	274	3	277
	Jones	45	2	47
	Sampson	242	9	251
	Total	561	14	575

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2011/12 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 4B	Onslow	416	12	428
	Total	416	12	428
District 5	New Hanover	870	14	884
	Pender	170	1	171
	Total	1,040	15	1,055
District 8A	Greene	102	0	102
	Lenoir	260	1	261
	Total	362	1	363
District 8B	Wayne	295	20	315
	Total	295	20	315
Third Judicial Division		4,504	107	4,611
District 9	Franklin	127	0	127
	Granville	149	1	150
	Vance	135	2	137
	Warren	37	0	37
	Total	448	3	451
District 9A	Caswell	60	3	63
	Person	195	13	208
	Total	255	16	271
District 10	Wake	2,205	44	2,249
	Total	2,205	44	2,249
District 14	Durham	724	27	751
	Total	724	27	751
District 15A	Alamance	585	13	598
	Total	585	13	598
District 15B	Chatham	99	0	99
	Orange	188	4	192
	Total	287	4	291
Fourth Judicial Division		3,338	69	3,407
District 11A	Harnett	293	2	295
	Lee	174	1	175
	Total	467	3	470
District 11B	Johnston	580	12	592
	Total	580	12	592
District 12	Cumberland	797	15	812
	Total	797	15	812

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2011/12 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 13A	Bladen	81	0	81
	Columbus	169	11	180
	Total	250	11	261
District 13B	Brunswick	377	5	382
	Total	377	5	382
District 16A	Hoke	167	7	174
	Scotland	201	3	204
	Total	368	10	378
District 16B	Robeson	499	13	512
	Total	499	13	512
<i>Fifth Judicial Division</i>		4,297	100	4,397
District 17A	Rockingham	293	9	302
	Total	293	9	302
District 17B	Stokes	93	3	96
	Surry	201	0	201
	Total	294	3	297
District 18	Guilford	1,670	37	1,707
	Total	1,670	37	1,707
District 19B	Montgomery	59	1	60
	Randolph	261	10	271
	Total	320	11	331
District 19D	Moore	335	13	348
	Total	335	13	348
District 21	Forsyth	903	23	926
	Total	903	23	926
District 23	Alleghany	46	1	47
	Ashe	76	1	77
	Wilkes	245	2	247
	Yadkin	115	0	115
	Total	482	4	486
<i>Sixth Judicial Division</i>		3,523	61	3,584
District 19A	Cabarrus	731	11	742
	Total	731	11	742
District 19C	Rowan	569	7	576
	Total	569	7	576

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2011/12 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 20A	Anson	101	2	103
	Richmond	200	4	204
	Stanly	130	7	137
	Total	431	13	444
District 20B	Union	421	10	431
	Total	421	10	431
District 22A	Alexander	122	1	123
	Iredell	540	11	551
	Total	662	12	674
District 22B	Davidson	591	5	596
	Davie	118	3	121
	Total	709	8	717
<i>Seventh Judicial Division</i>		4,333	145	4,478
District 25A	Burke	270	8	278
	Caldwell	167	2	169
	Total	437	10	447
District 25B	Catawba	380	9	389
	Total	380	9	389
District 26	Mecklenburg	1,978	78	2,056
	Total	1,978	78	2,056
District 27A	Gaston	697	8	705
	Total	697	8	705
District 27B	Cleveland	451	27	478
	Lincoln	390	13	403
	Total	841	40	881
<i>Eighth Judicial Division</i>		2,151	39	2,190
District 24	Avery	89	1	90
	Madison	48	0	48
	Mitchell	53	0	53
	Watauga	131	3	134
	Yancey	62	0	62
	Total	383	4	387
District 28	Buncombe	625	17	642
	Total	625	17	642
District 29A	McDowell	150	0	150
	Rutherford	276	2	278
	Total	426	2	428

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2011/12 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 29B	Henderson	265	4	269
	Polk	62	0	62
	Transylvania	71	5	76
	Total	398	9	407
District 30A	Cherokee	46	0	46
	Clay	13	1	14
	Graham	14	1	15
	Macon	61	1	62
	Swain	22	2	24
	Total	156	5	161
District 30B	Haywood	112	2	114
	Jackson	51	0	51
	Total	163	2	165
STATE TOTAL		27,518	651	28,169

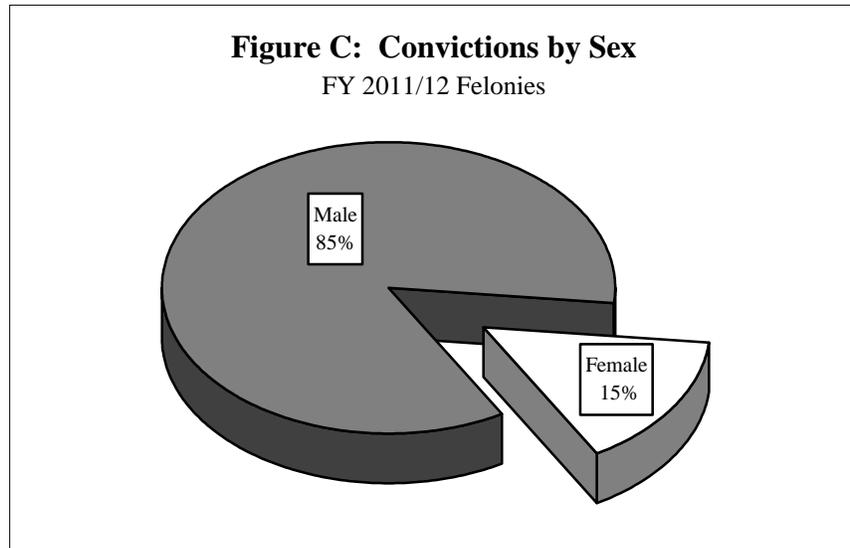
Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

F. Felony Pleas in District Court

Under G.S. 15A-1029.1(a), the District Court is authorized to accept a defendant's plea of guilty (or no contest) to a Class H or I felony. With the consent of both parties, the Superior Court may transfer a Class H or I felony to District Court for entry of the defendant's plea. In Fiscal Year 2011/12, 3,054 Class H (or 25% of Class H convictions) and 1,760 Class I (or 28% of Class I convictions) felony pleas were accepted in District Court for a total of 4,814 pleas (26% of all Class H and Class I felony convictions).

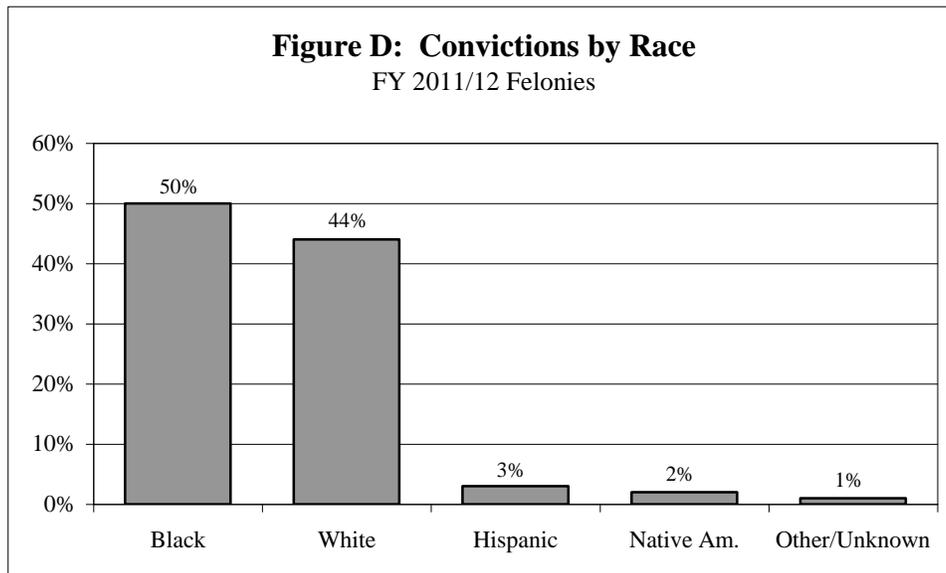
II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders' sex, race, and age. Of the 28,169 felony convictions, 85% were for males (see *Figure C*).



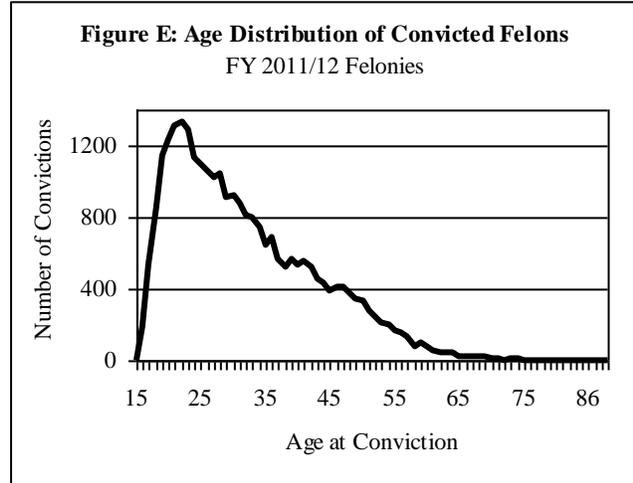
Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

Figure D shows that 50% of all felony offenders were Black, 44% were White, and a small percentage were Hispanic (3%), Native American (2%), or Other/Unknown (1%).



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

Based on age at conviction, 14% of felony convictions were for offenders under the age of 21, 22% were 21-25 years of age, 18% were 26-30 years of age, 24% were 31-40 years of age, 15% were 41-50 years of age, and 7% were 51 years of age or older. The average age at conviction was 32 years. *Figure E* illustrates that the volume of offenders peaks in the late teens and early twenties, and then generally declines as age increases. *Table 3* provides a summary of convictions by sex, race, and age of offenders.



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

**Table 3: Convictions by Sex, Race, and Age
FY 2011/12 Felonies**

Sex and Race		Age at Conviction						Total
		<21	21-25	26-30	31-40	41-50	>50	
Male	White	1,122	2,004	1,764	2,509	1,580	815	9,794
	Black	2,337	3,072	2,084	2,651	1,723	841	12,708
	Hispanic	164	178	130	168	73	15	728
	Native Amer.	48	87	80	111	50	19	395
	Other	40	62	39	55	21	11	228
	Subtotal	3,711	5,403	4,097	5,494	3,447	1,701	23,853
Female	White	121	474	587	849	496	184	2,711
	Black	111	267	249	369	250	118	1,364
	Hispanic	3	15	11	12	5	7	53
	Native Amer.	4	12	18	21	11	6	72
	Other	5	5	9	15	7	2	43
	Subtotal	244	773	874	1,266	769	317	4,243
TOTAL		3,955	6,176	4,971	6,760	4,216	2,018	28,096

Note: Of the 28,169 felony convictions in FY 2011/12, 73 convictions with missing values for offenders' age were excluded from this table.

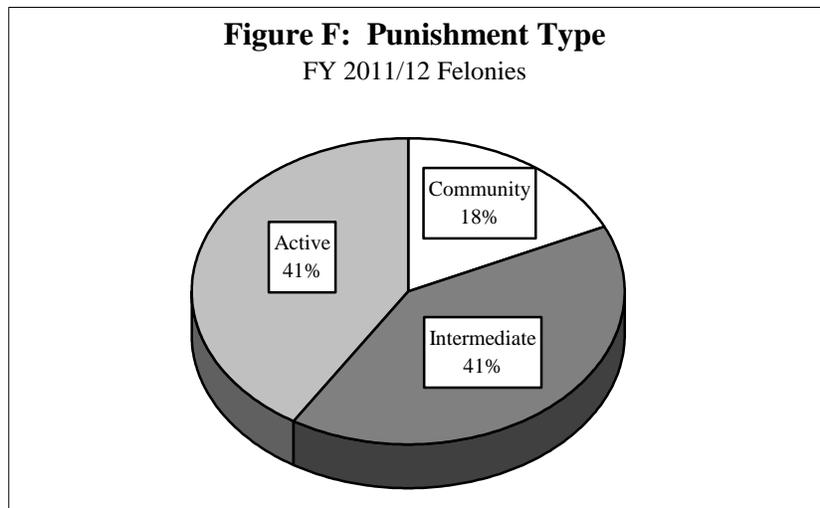
Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

III. PUNISHMENT IMPOSED FOR FELONIES

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during Fiscal Year 2011/12. The tables in this section also show the average minimum and maximum sentences for convictions for which an Active punishment was imposed. *The reader should note that this information is based on the most serious sentence an offender received.*²

A. Overall Punishment

An Active punishment was imposed for 41% of felony convictions, an Intermediate punishment was imposed for 41% of felony convictions, and a Community punishment was imposed for 18% of felony convictions (see *Figure F*).

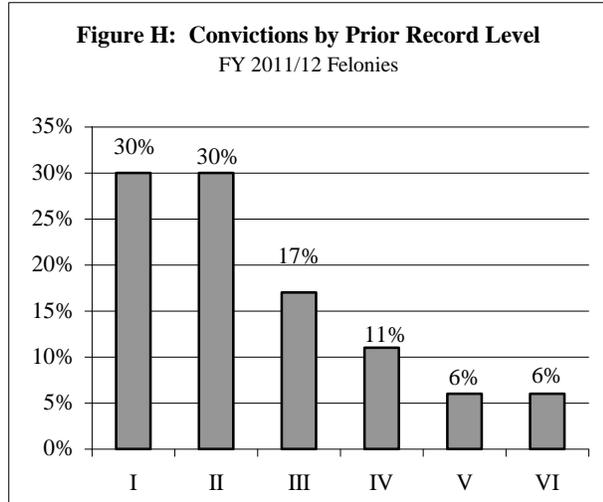
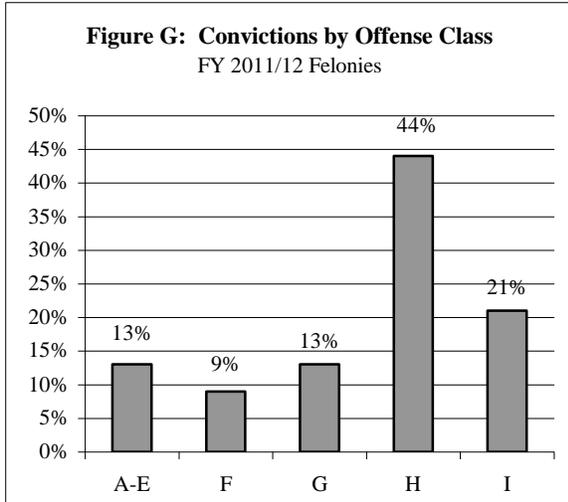


Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Record Level

Figure G shows the percentage of convictions by offense class. The majority of felony convictions (65%) were for Class H and Class I offenses. (See *Appendix B* for sample offenses in each offense class and for the top five convictions in each offense class.) As shown in *Figure H*, the majority of felony convictions (60%) were for offenders with Prior Record Levels I and II. Twelve percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).

² Convictions that did not fit within the Felony Punishment Chart were excluded from this section (n=2,451 or almost 9%). These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

Table 4 presents felony convictions and sentences imposed within the context of the Felony Punishment Chart (see also Table 1). The table also includes the average minimum and maximum sentences for convictions for which an Active sentence was imposed.³ The greatest number of convictions fell within Offense Class H with Prior Record Level I (n= 3,511 or 14%).

The data presented in Table 4 indicate that the percentage of offenders receiving an Active sentence generally increases as the offense seriousness increases, with the exception of Class E. As shown in the vertical “Total” column in Table 4, the average minimum and maximum sentences imposed increase as offense class increases. The average minimum sentence for all convictions resulting in an Active punishment (n=10,676) was 29 months. The lowest average minimum sentence was imposed for Class I convictions (8 months). Excluding life and death sentences, the highest average minimum sentence was imposed for Class B1 convictions (233 months).

Convictions for offenders falling into Prior Record Levels I and VI resulted in the highest average minimum sentences (38 months and 32 months respectively). The higher minimum sentences for Prior Record Level I can be attributed to the fact that nearly one-half of all active sentences in that prior record level were for offenders convicted in the more serious offense classes (i.e., Class B1 through E felonies). For information on punishment imposed by judicial division, see Appendix C.

³ Sentences resulting in life without parole or death were excluded from the calculation of the average minimum and maximum sentences.

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level
FY 2011/12 Felonies**

Offense Class	Prior Record Level						Total
	I	II	III	IV	V	VI	
A	A = 37 (100%) (n = 37) Life/Death	A = 12 (100%) (n = 12) Life/Death	A = 14 (100%) (n = 14) Life/Death	A = 4 (100%) (n = 4) Life/Death	A = 1 (100%) (n = 1) Life/Death	A = 2 (100%) (n = 2) Life/Death	A = 70 (100%) (n = 70) Life/Death
B1	A = 74 (100%) (n = 74) 210 min 262 max	A = 25 (100%) (n = 25) 231 min 286 max	A = 11 (100%) (n = 11) 276 min 340 max	A = 7 (100%) (n = 7) 334 min 411 max	A = 3 (100%) (n = 3) 348 min 427 max	A = 2 (100%) (n = 2) 412 min 503 max	A = 122 (100%) (n = 122) 233 min 289 max
B2	A = 109 (100%) (n = 109) 136 min 172 max	A = 69 (100%) (n = 69) 163 min 205 max	A = 48 (100%) (n = 48) 193 min 241 max	A = 21 (100%) (n = 21) 225 min 280 max	A = 9 (100%) (n = 9) 250 min 310 max	A = 8 (100%) (n = 8) 292 min 370 max	A = 264 (100%) (n = 264) 169 min 213 max
C	A = 151 (100%) (n = 151) 61 min 82 max	A = 164 (100%) (n = 164) 66 min 88 max	A = 180 (100%) (n = 180) 73 min 97 max	A = 210 (100%) (n = 210) 82 min 108 max	A = 141 (100%) (n = 141) 93 min 121 max	A = 155 (100%) (n = 155) 107 min 138 max	A = 1,001 (100%) (n = 1,001) 80 min 105 max
D	A = 296 (100%) (n = 296) 50 min 69 max	A = 202 (100%) (n = 202) 59 min 81 max	A = 114 (100%) (n = 114) 69 min 92 max	A = 47 (100%) (n = 47) 83 min 110 max	A = 35 (100%) (n = 35) 90 min 117 max	A = 20 (100%) (n = 20) 105 min 136 max	A = 714 (100%) (n = 714) 61 min 83 max
E	I/A = 387 (64%) A = 218 (36%) (n = 605) 22 min 35 max	I/A = 202 (53%) A = 179 (47%) (n = 381) 25 min 40 max	A = 125 (100%) (n = 125) 28 min 44 max	A = 80 (100%) (n = 80) 34 min 50 max	A = 36 (100%) (n = 36) 39 min 56 max	A = 40 (100%) (n = 40) 45 min 64 max	I = 589 (46%) A = 678 (54%) (n = 1,267) 28 min 43 max
F	I/A = 468 (62%) A = 288 (38%) (n = 756) 14 min 18 max	I/A = 341 (51%) A = 333 (49%) (n = 674) 16 min 19 max	I = 214 (47%) A = 243 (53%) (n = 457) 17 min 22 max	A = 196 (100%) (n = 196) 20 min 25 max	A = 104 (100%) (n = 104) 24 min 30 max	A = 115 (100%) (n = 115) 27 min 34 max	I = 1,023 (44%) A = 1,279 (56%) (n = 2,302) 18 min 22 max

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)
FY 2011/12 Felonies**

Offense Class	Prior Record Level						Total
	I	II	III	IV	V	VI	
G	I/A I = 540 (76%) A = 170 (24%) (n = 710) 11 min 14 max	I/A I = 723 (66%) A = 375 (34%) (n = 1,098) 12 min 16 max	I/A I = 400 (51%) A = 379 (49%) (n = 779) 14 min 18 max	I/A I = 169 (39%) A = 261 (61%) (n = 430) 16 min 21 max	A A = 149 (100%) (n = 149) 18 min 23 max	A A = 146 (100%) (n = 146) 23 min 28 max	I/A I = 1,832 (55%) A = 1,480 (45%) (n = 3,312) 15 min 19 max
H	C/I/A C = 1,808 (51%) I = 1,250 (36%) A = 453 (13%) (n = 3,511) 5 min 8 max	I/A I = 2,147 (68%) A = 1,033 (32%) (n = 3,180) 6 min 9 max	I/A I = 1,020 (53%) A = 920 (47%) (n = 1,940) 9 min 12 max	I/A I = 462 (37%) A = 775 (63%) (n = 1,237) 10 min 13 max	I/A I = 178 (25%) A = 524 (75%) (n = 702) 13 min 17 max	A A = 612 (100%) (n = 612) 18 min 23 max	C/I/A C = 1,808 (16%) I = 5,057 (45%) A = 4,317 (39%) (n = 11,182) 10 min 13 max
I	C C = 1,563 (100%) (n = 1,563) N/A	C/I C = 1,179 (61%) I = 745 (39%) (n = 1,924) N/A	I I = 769 (100%) (n = 769) N/A	I/A I = 317 (51%) A = 302 (49%) (n = 619) 7 min 10 max	I/A I = 83 (31%) A = 183 (69%) (n = 266) 7 min 10 max	I/A I = 77 (22%) A = 266 (78%) (n = 343) 9 min 12 max	C/I/A C = 2,742 (50%) I = 1,991 (36%) A = 751 (14%) (n = 5,484) 8 min 11 max
TOTAL	C/I/A C = 3,371 (43%) I = 2,645 (34%) A = 1,796 (23%) (n = 7,812) 38 min 51 max	C/I/A C = 1,179 (15%) I = 4,158 (54%) A = 2,392 (31%) (n = 7,729) 26 min 34 max	I/A I = 2,403 (54%) A = 2,034 (46%) (n = 4,437) 27 min 36 max	I/A I = 948 (33%) A = 1,903 (67%) (n = 2,851) 26 min 34 max	I/A I = 261 (18%) A = 1,185 (82%) (n = 1,446) 29 min 37 max	I/A I = 77 (5%) A = 1,366 (95%) (n = 1,443) 32 min 41 max	C/I/A C = 4,550 (18%) I = 10,492 (41%) A = 10,676 (41%) (n = 25,718) 29 min 38 max

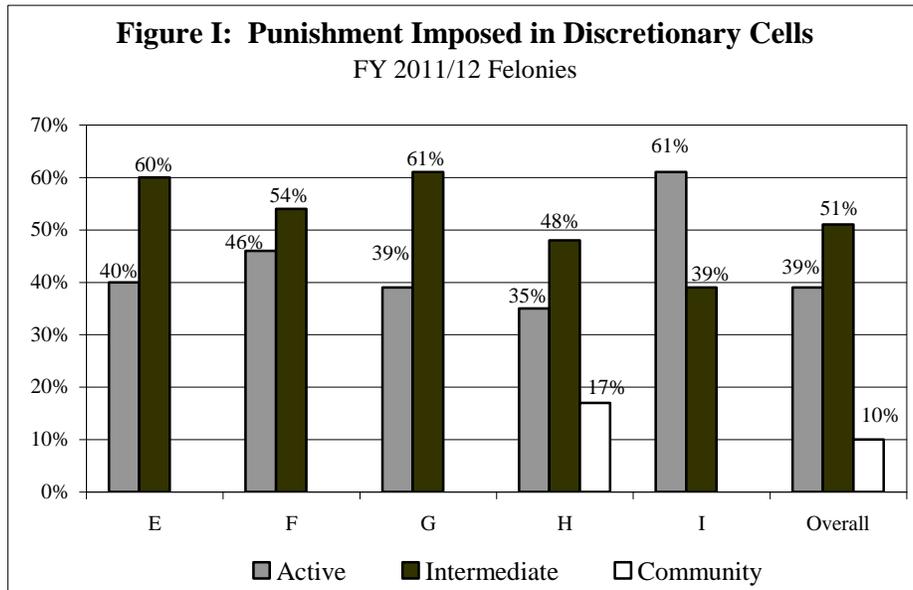
Note: Of the 28,169 felony convictions in FY 2011/12, 2,451 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Death and life without parole sentences were excluded from the calculation of the average minimum and maximum sentences.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

C. Punishment Imposed in Discretionary Cells

As shown in *Table 4*, where the judge had the option of imposing either an Active or community-based punishment (*i.e.*, Intermediate or Community punishment), an Intermediate punishment was most likely to be imposed for convictions falling within Offense Class G with Prior Record Level I (76%), while an Active sentence was most likely to be imposed for convictions falling within Offense Class I with Prior Record Level VI (78%).

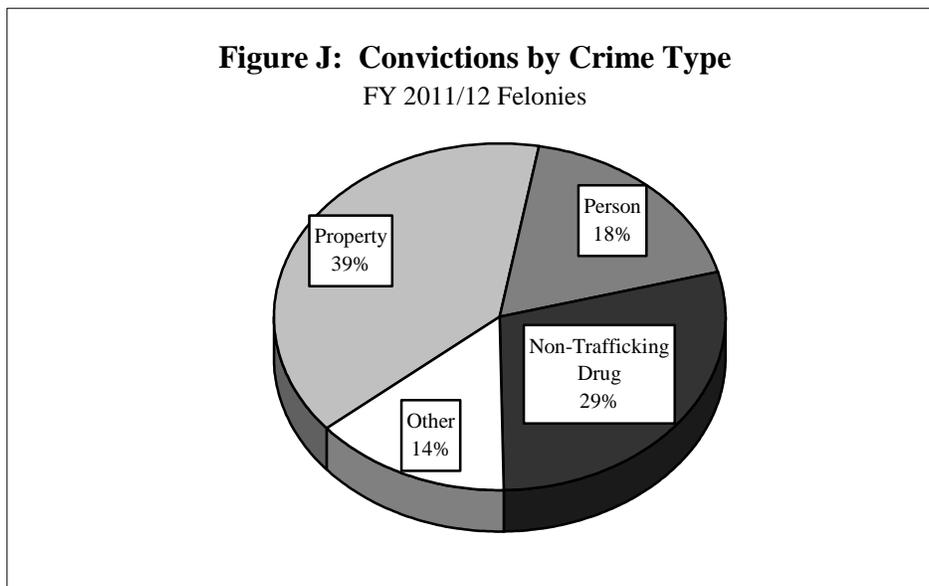
Figure I summarizes sentences imposed by offense class for discretionary cells with an Active punishment option.



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

D. Punishment Imposed by Crime Type

During Fiscal Year 2011/12, property offenses accounted for 39% of convictions, while convictions for non-trafficking drug accounted for 29%. (See Figure J.) For additional data on convictions by crime type, see Appendix D.



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

The type of punishment imposed by crime type is shown in *Table 5*. Relative to other crime types, convictions for person offenses were most likely to result in the imposition of an Active punishment (65%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (24%). Of the four crime types, non-trafficking drug and property convictions had the highest percentage of Intermediate punishment sentences (46% and 44%, respectively); non-trafficking drug convictions had the highest percentage of Community punishment sentences (31%).

Table 5 also displays the average minimum and maximum sentence lengths for convictions in which an Active punishment was imposed. The longest average Active sentences were imposed for convictions for person offenses.

**Table 5: Convictions and Sentences by Crime Type
FY 2011/12 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	2,970	65	1,457	32	137	3	54	71	4,564
Property	3,737	38	4,355	44	1,874	19	12	16	9,966
Non-Trafficking Drug	1,796	24	3,430	46	2,312	31	13	18	7,538
Other Felony	2,173	60	1,250	34	227	6	38	50	3,650
TOTAL	10,676	41	10,492	41	4,550	18	29	38	25,718

Note: Of the 28,169 felony convictions in FY 2011/12, 2,451 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

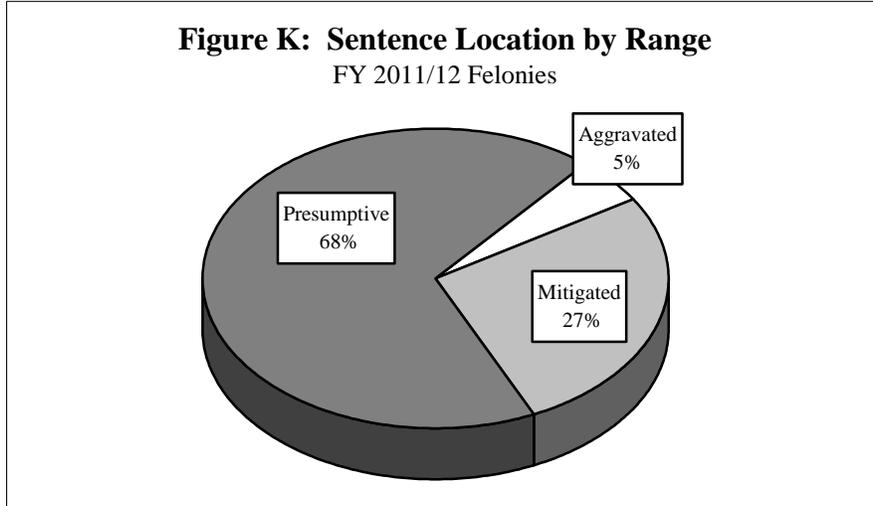
Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

IV. SENTENCE LOCATION IN THE SENTENCING RANGES

This section presents information regarding the location of sentences imposed in the sentencing ranges and *deals only with convictions for which an Active sentence was imposed (n=10,605)*. Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=70). One Class B1 conviction with a life sentence was also excluded from this section.

A. Sentence Location

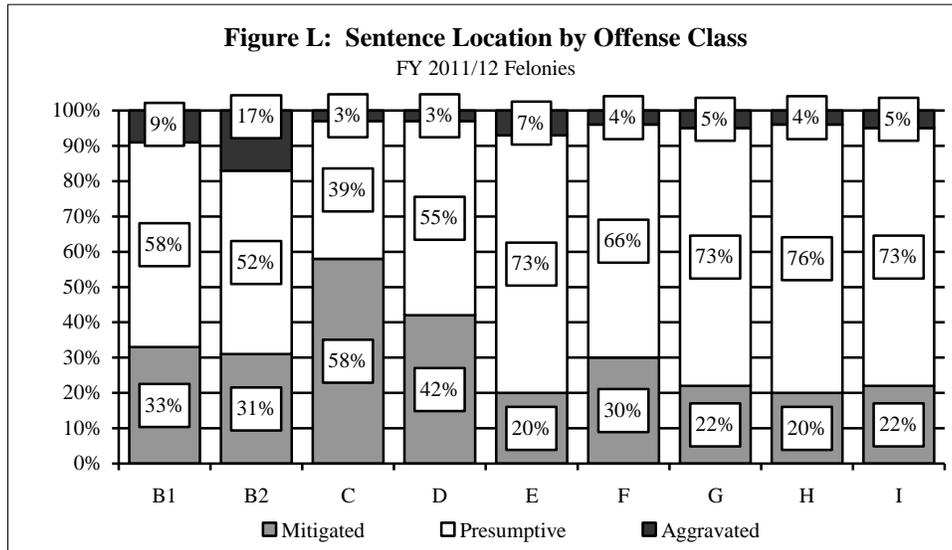
Figure K shows that 68% of all Active sentences fell within the presumptive range; 27% fell within the mitigated range; and 5% fell within the aggravated range.



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

B. Sentence Location by Offense Class and Prior Record Level

Figure L displays the percentage of convictions falling within the mitigated, presumptive, and aggravated ranges by offense class for Active sentences.



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

For information regarding sentence location by offense class and prior record level, see *Table 6*. Convictions for Class H offenses had the highest percentage of Active sentences in the

presumptive range (76%), while convictions for Class C offenses had the lowest percentage of Active sentences in the presumptive range (39%). Convictions falling into Prior Record Level II had the highest percentage of Active sentences in the mitigated range (28%) while convictions falling into Prior Record Level VI had the highest percentage of Active sentences in the aggravated range (7%).

Overall, 27% of Active sentences were in the mitigated range and an additional 28% were at the lowest possible point of the presumptive range. Convictions for Class C offenses had the highest percentage of Active sentences in the mitigated range (58%), followed by convictions for Class D offenses (42%). In addition, as shown in *Appendix D*, 70% of Class C convictions and 61% of Class D convictions were sentenced within the mitigated range or at the lowest possible point of the presumptive range.

**Table 6: Sentence Location by Offense Class and Prior Record Level
(Active Sentences Only)
FY 2011/12 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I	II	III	IV	V	VI	
B1	Mitigated	22 (30%)	13 (52%)	3 (27%)	1 (14%)	0 (0%)	1 (50%)	40 (33%)
	Presumptive	43 (58%)	10 (40%)	8 (73%)	6 (86%)	2 (100%)	1 (50%)	70 (58%)
	Aggravated	9 (12%)	2 (8%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	11 (9%)
	Subtotal	74	25	11	7	2	2	121
B2	Mitigated	41 (38%)	25 (36%)	11 (23%)	2 (10%)	2 (22%)	1 (12%)	82 (31%)
	Presumptive	48 (44%)	31 (45%)	30 (62%)	16 (76%)	6 (67%)	7 (88%)	138 (52%)
	Aggravated	20 (18%)	13 (19%)	7 (15%)	3 (14%)	1 (11%)	0 (0%)	44 (17%)
	Subtotal	109	69	48	21	9	8	264
C	Mitigated	48 (32%)	98 (60%)	107 (60%)	133 (63%)	92 (65%)	100 (64%)	578 (58%)
	Presumptive	95 (63%)	53 (32%)	69 (38%)	73 (35%)	46 (33%)	51 (33%)	387 (39%)
	Aggravated	8 (5%)	13 (8%)	4 (2%)	4 (2%)	3 (2%)	4 (3%)	36 (3%)
	Subtotal	151	164	180	210	141	155	1,001

Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2011/12 Felonies

Offense Class	Sentencing Range	Prior Record Level						Total
		I	II	III	IV	V	VI	
D	Mitigated	134 (45%)	72 (36%)	51 (45%)	18 (38%)	14 (40%)	9 (45%)	298 (42%)
	Presumptive	153 (52%)	126 (62%)	58 (51%)	28 (60%)	20 (57%)	11 (55%)	396 (55%)
	Aggravated	9 (3%)	4 (2%)	5 (4%)	1 (2%)	1 (3%)	0 (0%)	20 (3%)
	Subtotal	296	202	114	47	35	20	714
E	Mitigated	39 (18%)	36 (20%)	26 (21%)	19 (24%)	8 (22%)	7 (17%)	135 (20%)
	Presumptive	166 (76%)	128 (72%)	89 (71%)	56 (70%)	24 (67%)	29 (73%)	492 (73%)
	Aggravated	13 (6%)	15 (8%)	10 (8%)	5 (6%)	4 (11%)	4 (10%)	51 (7%)
	Subtotal	218	179	125	80	36	40	678
F	Mitigated	60 (21%)	95 (28%)	83 (34%)	68 (35%)	38 (36%)	44 (38%)	388 (30%)
	Presumptive	214 (74%)	225 (68%)	151 (62%)	123 (63%)	60 (58%)	63 (55%)	836 (66%)
	Aggravated	14 (5%)	13 (4%)	9 (4%)	5 (2%)	6 (6%)	8 (7%)	55 (4%)
	Subtotal	288	333	243	196	104	115	1,279
G	Mitigated	30 (18%)	97 (26%)	75 (20%)	59 (23%)	32 (22%)	28 (19%)	321 (22%)
	Presumptive	126 (74%)	264 (70%)	293 (77%)	188 (72%)	115 (77%)	96 (66%)	1,082 (73%)
	Aggravated	14 (8%)	14 (4%)	11 (3%)	14 (5%)	2 (1%)	22 (15%)	77 (5%)
	Subtotal	170	375	379	261	149	146	1,480
H	Mitigated	90 (20%)	237 (23%)	180 (20%)	129 (17%)	93 (18%)	124 (20%)	853 (20%)
	Presumptive	343 (76%)	778 (75%)	711 (77%)	601 (77%)	398 (76%)	449 (73%)	3,280 (76%)
	Aggravated	20 (4%)	18 (2%)	29 (3%)	45 (6%)	33 (6%)	39 (7%)	184 (4%)
	Subtotal	453	1,033	920	775	524	612	4,317

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2011/12 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I	II	III	IV	V	VI	
I	Mitigated	N/A	N/A	N/A	71 (23%)	40 (22%)	50 (19%)	161 (22%)
	Presumptive	N/A	N/A	N/A	217 (72%)	135 (74%)	199 (75%)	551 (73%)
	Aggravated	N/A	N/A	N/A	14 (5%)	8 (4%)	17 (6%)	39 (5%)
	Subtotal	N/A	N/A	N/A	302	183	266	751
TOTAL	Mitigated	464 (26%)	673 (28%)	536 (26%)	500 (26%)	319 (27%)	364 (27%)	2,856 (27%)
	Presumptive	1,188 (68%)	1,615 (68%)	1,409 (70%)	1,308 (69%)	806 (68%)	906 (66%)	7,232 (68%)
	Aggravated	107 (6%)	92 (4%)	75 (4%)	91 (5%)	58 (5%)	94 (7%)	517 (5%)
	Subtotal	1,759	2,380	2,020	1,899	1,183	1,364	10,605

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, Class A convictions, which are subject to mandatory life or death sentences, were excluded from this table (n=70). One Class B1 conviction with a life sentence was excluded from this table. Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

C. Sentence Location by Crime Type

The sentence location for selected crime types is contained in *Table 7*. Of the four crime types, convictions for person offenses accounted for the highest percentage of aggravated sentences (6%). Convictions in the category of other felony offenses accounted for the lowest percentage of presumptive sentences (54%) and the highest percentage of mitigated sentences (42%) relative to the other crime types. Convictions under the habitual felon law accounted for the largest number of convictions in the other felony category, representing 32% of convictions in this category. (This category does not reflect the underlying offense for a habitual felon conviction. *Table 14* presents detailed information on underlying offenses for habitual felons.) For additional information regarding convictions by crime type, see *Appendix D*.

**Table 7: Sentence Location by Crime Type
(Active Sentences Only)
FY 2011/12 Felonies**

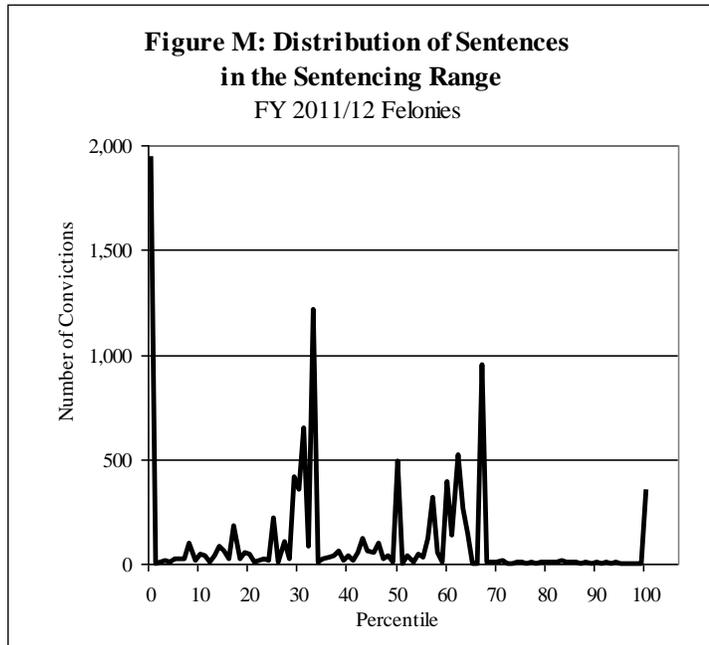
Crime Type	Sentencing Range						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
Person	797	28	1,915	66	187	6	2,899
Property	763	21	2,809	75	165	4	3,737
Non-Trafficking Drug	389	22	1,322	73	85	5	1,796
Other Felony	907	42	1,186	54	80	4	2,173
TOTAL	2,856	27	7,232	68	517	5	10,605

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 70 Class A convictions, which are subject to mandatory life or death sentences, and one Class B1 conviction with a life sentence were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

D. Length of Active Sentence Relative to the Sentencing Range

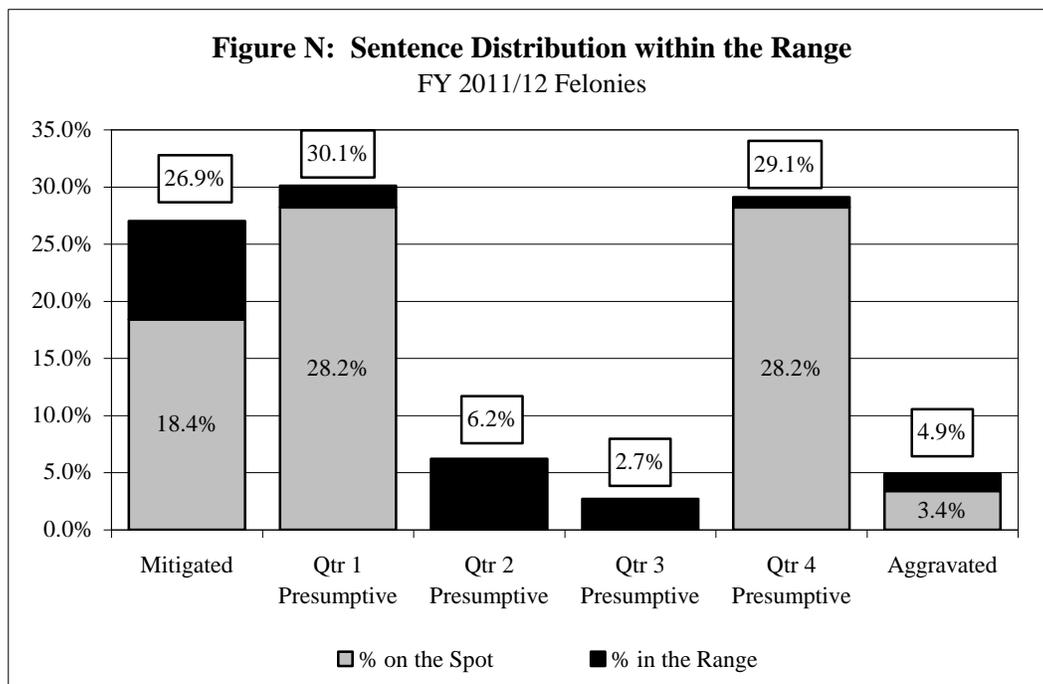
Viewing the entire sentencing range as a continuum from the lowest possible sentence imposed in the mitigated range to the highest possible sentence imposed in the aggravated range, on average the 10,605 active sentences imposed (excluding the 71 Class A and B1 convictions with life or death sentences) fell below the midpoint of the range (at the 33rd percentile above the minimum). Close examination of the actual location of each Active sentence within its respective range revealed that the majority of offenders were sentenced within the first or fourth quarter of the presumptive portion of the range (30.1% and 29.1% of all cases, respectively) (see *Figure N* and *Table 9*).



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

Further analysis indicates that over three-quarters (78.2%) of all Active sentences were located on one of *four* specific spots of their respective ranges (*i.e.*, the lowest spot of the mitigated range, the lowest spot of the presumptive range, the highest spot of the presumptive range, and the highest spot of the aggravated range). As shown in *Table 8* and *Figure N*, 18.4% of Active sentences fell on the lowest point of the mitigated range; 28.2% fell on the lowest point of the presumptive range; 28.2% fell on the highest point of the presumptive range; and 3.4% fell on the highest point of the aggravated range.

For information regarding sentences imposed on one of the four specific spots of the sentencing range by offense class, see *Table 8*. Convictions for Class H and I offenses had the highest percentages of Active sentences located on one of the four spots, with 87.8% and 85.9% of all Active sentences, respectively, located on one of four specific spots of the range. Convictions for Class B2 offenses had the lowest percentage of Active sentences located on one of the four specific spots of the sentencing range (58.3%).



Note: Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

**Table 8: Most Frequent Sentencing Range Spots by Offense Class
(Active Sentences Only)
FY 2011/12 Felonies**

Offense Class	Location in the Range				% on the Four Spots
	Mitigated Range	Presumptive Range		Aggravated Range	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
B1	12.4	17.4	26.5	5.8	62.0
B2	15.9	11.0	22.0	9.5	58.3
C	42.5	12.4	11.1	1.4	67.3
D	24.9	19.8	14.9	1.1	60.7
E	11.8	26.6	29.2	4.4	72.0
F	16.7	28.8	21.5	3.3	70.3
G	14.6	30.2	28.2	3.3	76.3
H	15.2	33.5	35.7	3.4	87.8
I	16.0	31.4	33.8	4.7	85.9
TOTAL	18.4	28.2	28.2	3.4	78.2

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 70 Class A convictions, which are subject to mandatory life or death sentences, and one Class B1 conviction with a life sentence were excluded from this table. Percentages may not add to totals due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

The percentage of sentences in the mitigated range for Class C (58%) largely reflects the sentencing of habitual felons. Seventy percent of habitual felons received sentences in the mitigated range, compared to 24% of other (non-habitual) felons. Without regard to offense class, 68% of felonies received sentences in the presumptive range and 27% received sentences in the mitigated range. For habitual felons, the pattern was reversed, with 70% receiving sentences in the mitigated range and 27% in the presumptive range (see *Appendix D, Figure 1*).

Table 9 shows the percentage of sentences in each quarter of the sentencing range by crime type. The numbers in parentheses show the percentage of sentences on each of the four spots. Property and non-trafficking drug offenses (86.3% and 80.0%, respectively) account for the largest percentages of sentences on the four spots of the range.

**Table 9: Sentencing Range by Crime Type
(Active Sentences Only)
FY 2011/12 Felonies**

Crime Type	Location in the Range						% on the Four Spots
	% Mitigated Range (Min. Spot)	Presumptive Range				% Aggravated Range (Max. Spot)	
		% First Quarter (Min. Spot)	% Second Quarter	% Third Quarter	% Fourth Quarter (Max. Spot)		
Person	27.5 (16.8)	26.6 (23.1)	6.0	4.7	28.8 (26.7)	6.5 (4.0)	70.6
Property	20.4 (15.2)	33.5 (33.2)	6.1	0.9	34.7 (34.6)	4.4 (3.3)	86.3
Non-Trafficking Drug	21.7 (14.9)	32.1 (30.5)	7.2	2.8	31.5 (31.1)	4.7 (3.5)	80.0
Other Felony	41.7 (28.7)	27.2 (24.6)	5.9	3.4	18.0 (16.9)	3.7 (2.4)	72.5
TOTAL	26.9 (18.4)	30.1 (28.2)	6.2	2.7	29.1 (28.2)	4.9 (3.4)	78.2

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 70 Class A convictions, which are subject to mandatory life or death sentences, and one Class B1 conviction with a life sentence were excluded from this table. Percentages may not add to totals due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

V. INTERMEDIATE PUNISHMENTS

This section summarizes the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed at sentencing.*⁴ Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation plus at least one additional sanction.⁵ The specific intermediate sanctions are Intensive Supervision Probation (ISP), Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Day Reporting Center (DRC), Residential Treatment Facility (RESID), and Drug Treatment Court (DTC). It should be noted that these sanctions are not equally available across the state. See *Appendix E* for a brief description of each type of intermediate sanction.

During Fiscal Year 2011/12, Intermediate punishments were imposed for 10,492 convictions. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for 10,320 convictions – a reporting rate of 98%.

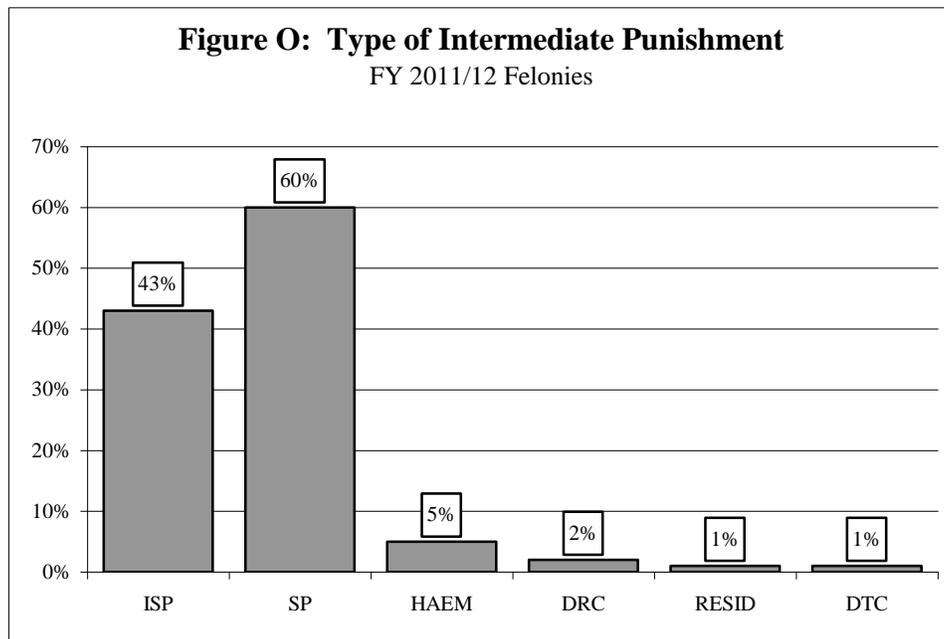
⁴ Intermediate punishments that are subsequently imposed as a result of modifications to probation are not included.

⁵ The Justice Reinvestment Act of 2011 (S.L. 2011-192) redefined Intermediate punishment effective for offenses committed on or after December 1, 2011. As a result, certain intermediate sanctions are no longer available as sentencing options. The information in this section does not reflect the new definition of Intermediate punishment.

It is possible that a single conviction could result in the imposition of more than one intermediate sanction. Consequently, the following tables reflect the total number of intermediate sanctions imposed rather than the total number of offenders receiving an intermediate sanction.

A. Intermediate Punishments Imposed

Figure O illustrates the percentage of convictions for which specific intermediate sanctions were imposed. The figure indicates that Intensive Supervision Probation and Special Probation accounted for the highest percentage of convictions for which a specific intermediate sanction was reported (43% and 60%, respectively). Assignment to Drug Treatment Court or a Residential Treatment Facility accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1% each).



Note: The percentages in this figure do not add to 100%. The Justice Reinvestment Act of 2011 (S.L. 2011-192) redefined Intermediate punishment effective December 1, 2011. The information in this table does not reflect the new definition of Intermediate punishment.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

B. Intermediate Punishments by Offense Class and Prior Record Level

Table 10 shows the frequency and average probation length of Intermediate punishments by offense class and prior record level. Of those convictions for which specific intermediate sanctions were reported, the greatest number was imposed for Class H felonies (n=5,537). For Class H, Special Probation was the most frequently invoked sanction (n=2,996), followed by Intensive Supervision Probation (n=2,077). Convictions for Class E felonies resulted in the longest average probation sentences for Intermediate punishments (35 months). Convictions for which a Residential Facility sanction was imposed resulted in the longest average probation

sentence of all the Intermediate punishments (34 months). Overall, convictions for which an Intermediate punishment was imposed resulted in an average probation sentence of 30 months.

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level
FY 2011/12 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment (Number and Average Probation Length)						Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	Drug Treatment Court	House Arrest w/ Elect. Mon.	
E	I	265	3	5	152	1	29	455
	II	136	2	5	84	0	15	242
	Subtotal	401 <i>35 months</i>	5 <i>35 months</i>	10 <i>34 months</i>	236 <i>35 months</i>	1 <i>60 months</i>	44 <i>36 months</i>	697 <i>35 months</i>
F	I	291	6	10	202	2	13	524
	II	223	8	3	138	0	12	384
	III	144	3	1	84	1	9	242
	Subtotal	658 <i>33 months</i>	17 <i>35 months</i>	14 <i>33 months</i>	424 <i>35 months</i>	3 <i>36 months</i>	34 <i>36 months</i>	1,150 <i>33 months</i>
G	I	342	2	8	229	0	15	596
	II	435	8	12	334	2	35	826
	III	232	5	8	179	5	24	453
	IV	106	3	1	66	0	9	185
	Subtotal	1,115 <i>31 months</i>	18 <i>34 months</i>	29 <i>32 months</i>	808 <i>32 months</i>	7 <i>31 months</i>	83 <i>32 months</i>	2,060 <i>31 months</i>
H	I	753	6	27	496	17	49	1,348
	II	1,266	27	37	903	31	85	2,349
	III	601	14	23	417	19	41	1,115
	IV	268	14	5	194	11	26	518
	V	108	10	5	67	6	11	207
	Subtotal	2,996 <i>29 months</i>	71 <i>34 months</i>	97 <i>32 months</i>	2,077 <i>30 months</i>	84 <i>29 months</i>	212 <i>32 months</i>	5,537 <i>29 months</i>

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level
(continued)
FY 2011/12 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment (Number and Average Probation Length)						Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	Drug Treatment Court	House Arrest w/ Elect. Mon.	
I	II	348	7	19	349	21	46	790
	III	393	6	15	359	9	36	818
	IV	174	2	5	147	6	10	344
	V	46	0	1	31	5	5	88
	VI	39	3	2	29	8	5	86
	Subtotal	1,000 <i>25 months</i>	18 <i>34 months</i>	42 <i>22 months</i>	915 <i>27 months</i>	49 <i>25 months</i>	102 <i>26 months</i>	2,126 <i>26 months</i>
TOTAL	6,170 <i>29 months</i>	129 <i>34 months</i>	192 <i>30 months</i>	4,460 <i>31 months</i>	144 <i>28 months</i>	475 <i>31 months</i>	11,570 <i>30 months</i>	

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. The Justice Reinvestment Act of 2011 (S.L. 2011-192) redefined Intermediate punishment effective December 1, 2011. The information in this table does not reflect the new definition of Intermediate punishment.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

C. Intermediate Punishments by Crime Type

Table 11 shows the frequency of Intermediate punishments by crime type. Of those convictions for which a specific intermediate sanction was reported, the largest number was for property offenses (n=4,754), followed by non-trafficking drug offenses (n=3,813).

**Table 11: Type of Intermediate Punishment by Crime Type
FY 2011/12 Felonies**

Crime Type	Type of Intermediate Punishment						Total
	Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	Drug Treatment Court	House Arrest w/ Elect. Mon.	
Person	994	13	15	540	2	67	1,631
Property	2,571	71	97	1,736	82	197	4,754
Non-Trafficking Drug	1,852	34	63	1,672	53	139	3,813
Other Felony	753	11	17	512	7	72	1,372
TOTAL	6,170	129	192	4,460	144	475	11,570

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. The Justice Reinvestment Act of 2011 (S.L. 2011-192) redefined Intermediate punishment effective December 1, 2011. The information in this table does not reflect the new definition of Intermediate punishment.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

VI. COMMUNITY PUNISHMENTS

This section includes only those convictions for which a Community punishment was the most serious sanction imposed. During Fiscal Year 2011/12, there were 4,550 convictions for which a Community punishment was imposed.⁶ The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 4,524 convictions – a reporting rate of 99%.⁷ Of these 4,524 convictions, 4,376 (96%) were for supervised probation; 133 (3%) were for unsupervised probation; and 15 (<1%) were for restitution, fines, and/or community service only. For more information about community service and restitution, refer to *Appendix F*.

A. Community Punishments by Offense Class

Table 12 shows the type of Community punishment imposed – either Supervised Probation, Unsupervised Probation, Restitution/Fine/Community Service Only, or Sanction Not Specified – by offense class, as well as information regarding the average length of probation sentences. Class I felony offenses accounted for the largest number of convictions for which a Community punishment was imposed (n=2,742). Convictions for Class H felonies resulted in the longest

⁶ The Justice Reinvestment Act of 2011 (S.L. 2011-192) redefined Community punishment effective for offenses committed on or after December 1, 2011. The information in this section does not reflect the new definition of Community punishment.

⁷ In some cases, the court may not have specified a sanction. In other instances, the court may have imposed a sanction for which there is no specific data field in the AOC's ACIS (e.g., outpatient drug/alcohol treatment or referral to TASC).

average probation sentences for Community punishments (26 months). Overall, convictions for which a Community punishment was imposed resulted in an average probation sentence of 24 months.

**Table 12: Type of Community Punishment by Offense Class
FY 2011/12 Felonies**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
H	1,755 <i>27 months</i>	40 <i>17 months</i>	8 <i>N/A</i>	5 <i>N/A</i>	1,808 <i>26 months</i>
I	2,621 <i>22 months</i>	93 <i>15 months</i>	7 <i>N/A</i>	21 <i>N/A</i>	2,742 <i>22 months</i>
TOTAL	4,376 <i>24 months</i>	133 <i>16 months</i>	15 <i>N/A</i>	26 <i>N/A</i>	4,550 <i>24 months</i>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. The Justice Reinvestment Act of 2011 (S.L. 2011-192) redefined Community punishment effective December 1, 2011. The information in this table does not reflect the new definition of Community punishment.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

B. Community Punishments by Crime Type

Information regarding the type of Community punishment imposed by crime type is provided in *Table 13*. The table also includes the average length of probation sentences. Non-trafficking drug offenses represented the largest offense category for which a Community punishment was imposed (n=2,312). Convictions for property offenses had the longest average probation sentences (27 months).

**Table 13: Type of Community Punishment by Crime Type
FY 2011/12 Felonies**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	134 <i>25 months</i>	2 <i>21 months</i>	1 <i>N/A</i>	0 <i>N/A</i>	137 <i>25 months</i>
Property	1,825 <i>27 months</i>	39 <i>16 months</i>	6 <i>N/A</i>	4 <i>N/A</i>	1,874 <i>27 months</i>
Non-Trafficking Drug	2,208 <i>21 months</i>	76 <i>15 months</i>	7 <i>N/A</i>	21 <i>N/A</i>	2,312 <i>21 months</i>
Other Felony	209 <i>22 months</i>	16 <i>16 months</i>	1 <i>N/A</i>	1 <i>N/A</i>	227 <i>22 months</i>
TOTAL	4,376 <i>24 months</i>	133 <i>16 months</i>	15 <i>N/A</i>	26 <i>N/A</i>	4,550 <i>24 months</i>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. The Justice Reinvestment Act of 2011 (S.L. 2011-192) redefined Community punishment effective December 1, 2011. The information in this table does not reflect the new definition of Community punishment.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

VII. SPECIAL ISSUES

This section reviews other issues of interest, including habitual felon status, firearm enhancement, death and life sentences, and drug trafficking convictions.

A. Habitual Felons

An habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and who has been found by a jury to be an habitual felon. (N.C.G.S. §§ 14-7.1 to -7.6) An habitual felon is sentenced as a Class C felon if the principal felony offense was committed prior to December 1, 2011. For principal felony offenses committed on or after December 1, 2011, an habitual felon is sentenced at a felony class that is four classes higher than the principal felony for which the person was convicted, but under no circumstances higher than Class C. There were 736 habitual felon convictions during Fiscal Year 2011/12. Ninety-eight percent were sentenced as Class C felons (n=723). Four habitual felons were sentenced in Class D and nine were sentenced in Class E. *Table 14* shows the breakdown by offense class and crime type of the most serious conviction associated with habitual felon convictions. The most

serious underlying conviction represents the most serious current conviction for which the habitual felon conviction was applied and does not take into account the class of the three prior felony convictions. Forty-three percent of habitual felons had a conviction for a Class H offense as their underlying conviction (n=313). Twenty-seven percent of habitual felons had some type of drug offense as their underlying conviction (n=202). Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with habitual felon convictions (n=121).⁸ Seventy percent of habitual felon convictions were sentenced in the mitigated range (see *Appendix D*).

**Table 14: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense
FY 2011/12 Felonies**

CLASS B1		Total Convictions=1	
1 st Degree Sex Offense-Child	1		
CLASS B2		Total Convictions=2	
2 nd Degree Murder	1	Attempted 1 st Degree Murder	1
CLASS C		Total Convictions=17	
1 st Degree Kidnapping	4	Other Person Offenses	1
2 nd Degree Rape	1	Other Property Offenses	2
AWDWIKISI	2	Other Drug Offenses	3
Manufacture Methamphetamine	3	Other Felony Offenses	1
CLASS D		Total Convictions=33	
Voluntary Manslaughter	3	Robbery with a Dangerous Weapon	16
Attempted 2 nd Degree Rape	1	1 st Degree Burglary	7
Attempted Robbery Dangerous Weapon	5	Other Drug Offenses	1
CLASS E		Total Convictions=26	
2 nd Degree Kidnapping	4	Attempted 1 st Degree Arson	1
AWDW Intent to Kill	4	Other Person Offenses	2
AWDW Serious Injury	5	Other Drug Offenses	10
CLASS F		Total Convictions=83	
Involuntary Manslaughter	1	AWDW Government Official	4
Indecent Liberties with a Child	8	Possess/Distribute Methamphetamine Precursor	1
Fail to Register-Sex Offender	13	Other Person Offenses	2
Habitual Impaired Driving	17	Other Property Offenses	1
Failure to Notify Change of Address-Sex Offender	4	Other Drug Offenses	16
Malicious Conduct by a Prisoner	7	Other Felony Offenses	4
Assault Serious Bodily Injury	5		

⁸ The Justice Reinvestment Act of 2011 (S.L. 2011-192) created a new habitual breaking and entering status offense. For information on habitual breaking and entering status offense convictions in FY 2011/12, see *Appendix D, Table 1*.

**Table 14: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense (continued)
FY 2011/12 Felonies**

CLASS G		Total Convictions=173	
Common Law Robbery	27	Sell/Deliver Cocaine	11
Possession of Firearm by a Felon	61	Sell Cocaine	29
2 nd Degree Burglary	4	Other Property Offenses	3
Identity Theft	9	Other Drug Offenses	23
Sell/Deliver Schedule II Controlled Substance	5	Other Felony Offenses	1
CLASS H		Total Convictions=313	
Breaking or Entering Buildings	121	Sell/Deliver Schedule III Controlled Substance	1
Possession of Stolen Goods/Property	15	Sell/Deliver Marijuana	2
Obtaining Property by False Pretenses	27	Sell Marijuana	2
PWISD Cocaine	36	PWIMSD Cocaine	2
Failure to Notify Change of Address-Sex Offender	1	PWIMSD Heroin	2
Attempted Common Law Robbery	3	Sex Offender/Child Premises	2
Assault by Strangulation	3	Intimidating a Witness	3
Exploit Elder Trust	1	Possess Stolen Motor Vehicle	11
Habitual Misdemeanor Assault	3	Other Person Offenses	1
Felony Larceny	28	Other Property Offenses	12
Larceny of Motor Vehicle	8	Other Drug Offenses	11
Attempt to Obtain Property by False Pretenses	2	Other Felony Offenses	15
Sell/Deliver Schedule II Controlled Substance	1		
CLASS I		Total Convictions=88	
Breaking or Entering a Motor Vehicle	28	PWIMSD Schedule VI Controlled Substance	2
Attempted Breaking or Entering	3	Felony Possession Schedule I Controlled Substance	1
Possess Burglary Tools	2	Felony Possession Schedule II Controlled Substance	5
Attempted Larceny	1	Manufacture Marijuana	2
Forgery of Instrument	2	PWISD Marijuana	3
Uttering Forged Instrument	1	Felony Possession-Marijuana	1
Uttering Forged Endorsement	2	Felony Possession-Cocaine	22
Financial Card Theft	1	Cruelty to Animals	1
Conspire to Sell/Deliver Cocaine	1	Other Person Offenses	1
Possess Methamphetamine	3	Other Property Offenses	2
Create Counterfeit Controlled Substance	1	Other Drug Offenses	1
Sell/Deliver Counterfeit Controlled Substance	1	Other Felony Offenses	1
TOTAL CONVICTIONS		736	

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

B. Firearm Enhancement

The firearm enhancement requires the judge to increase an offender's active sentence by sixty months if the offender is convicted of a Class A, B1, B2, C, D, or E felony and the jury finds that he or she used, displayed, or threatened to use or display a firearm during the commission of the felony. The firearm enhancement cannot be applied if the firearm is used to prove an element of the offense, nor can it be applied to non-active sentences. (N.C.G.S. § 15A-1340.16A) The firearm enhancement was applied to one conviction (a second-degree murder conviction) during Fiscal Year 2011/12.

C. Death and Life without Parole Sentences and Violent Habitual Felon Convictions

Offenders convicted of first degree murder may receive either a death sentence or life without parole. The sentence of life without parole is also required for offenders found to be violent habitual felons, certain offenders convicted of second or subsequent Class B1 felonies, and offenders convicted of first degree rape or sexual assault who are sentenced from the aggravated range in Prior Record Levels V and VI. During Fiscal Year 2011/12, two death sentences and 69 life without parole sentences were imposed for felons convicted of first degree murder and first degree rape.

A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by a jury to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (N.C.G.S. §§ 14-7.7-7.12) During Fiscal Year 2011/12, four life without parole sentences were imposed for violent habitual felon convictions. The offenses associated with the violent habitual felon convictions were second degree murder, attempted first degree murder, assault with a deadly weapon with intent to kill, and attempted robbery with a dangerous weapon.

D. Drug Trafficking Convictions

Drug trafficking offenses are subject to mandatory active sentences with the following minimum and maximum sentence lengths regardless of the offender's prior record level.

<u>Drug Trafficking</u>	<u>Minimum</u>	<u>Maximum</u>
Class C	225 months	279 months
Class D	175 months	219 months
Class E	90 months	117 months
Class F	70 months	84 months
Class G	35 months	42 months
Class H	25 months	30 months

If the judge finds that the offender provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators or principals, then the judge may

impose any lesser minimum and corresponding maximum sentence, or suspend the sentence and enter any sentence within his or her discretion. (N.C.G.S. § 90-95(h))

As shown in *Table 15*, there were 543 convictions for drug trafficking offenses in FY 2011/12. The most frequently occurring drug trafficking convictions were in Offense Class G (n=225).

**Table 15: Drug Trafficking Convictions
FY 2011/12 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
C	Traffic Heroin	2	100	.	.	.	.	69	92	2
	Other Trafficking	3	50	2	33	1	17	137	172	6
	Subtotal	5	63	2	25	1	12	120	152	8
D	Traffic Cocaine	5	100	.	.	.	.	128	160	5
	Other Trafficking	13	87	2	13	.	.	149	189	15
	Subtotal	18	90	2	10	.	.	144	180	20
E	Traffic Methamphetamine	2	100	.	.	.	.	83	108	2
	Traffic Cocaine	1	100	.	.	.	.	90	117	1
	Traffic Heroin	23	92	2	8	.	.	82	106	25
	Consp. Traffic Heroin	1	50	.	.	1	50	70	84	2
	Other Trafficking	8	73	3	27	.	.	82	106	11
	Subtotal	35	85	5	12	1	3	81	105	41
F	Traffic Amphet./Meth.	.	.	.	.	1	100	70	84	1
	Consp. Traffic MDA/MDMA	.	.	1	100	.	.	13	16	1
	Traffic Methamphetamine	7	70	2	20	1	10	65	77	10
	Traffic Cocaine	15	88	1	6	1	6	61	73	17
	Traffic Heroin	57	80	11	16	3	4	62	75	71
	Consp. Traffic Cocaine	2	100	.	.	.	.	70	84	2
	Consp. Traffic Heroin	.	.	1	100	.	.	21	26	1
	Other Trafficking	73	80	9	10	9	10	58	70	91
	Subtotal	154	79	25	13	15	8	60	72	194

**Table 15: Drug Trafficking Convictions (continued)
FY 2011/12 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
G	Traffic in MDA/MDMA	2	100	.	.	.	.	35	42	2
	Consp. Traffic MDA/MDMA	.	.	1	100	.	.	10	12	1
	Traffic Marijuana	5	63	2	25	1	12	28	34	8
	Traffic Cocaine	82	91	5	6	3	3	34	40	90
	Traffic Heroin	2	67	.	.	1	33	38	47	3
	Consp. Traffic Marijuana	.	.	.	.	2	100	12	14	2
	Consp. Traffic Cocaine	11	100	.	.	.	.	34	41	11
	Other Trafficking	86	79	18	17	4	4	30	36	108
Subtotal		188	84	26	12	11	5	32	38	225
H	Traffic Marijuana	15	88	1	6	1	6	21	26	17
	Traffic Cocaine	.	.	.	.	1	100	12	15	1
	Traffic Heroin	.	.	2	100	.	.	18	27	2
	Consp. Traffic Marijuana	5	83	1	17	.	.	22	26	6
	Consp. Traffic Cocaine	.	.	1	100	.	.	10	12	1
	Other Trafficking	22	82	2	7	3	11	23	28	27
Subtotal		42	78	7	13	5	9	22	26	54
I	Traffic Heroin	1	100	.	.	.	.	70	84	1
	Subtotal		1	100	70	84	1
TOTAL		443	82	67	12	33	6	50	61	543

Note: This table reflects all drug trafficking convictions regardless of whether the offense classes are correct or whether the sentences are consistent with the minimum and maximum sentences set forth in N.C.G.S. §90-95(h). For example, according to statute, an offender can only be convicted of trafficking cocaine in Classes D, F, and G; however, in the table, there is a Class H conviction for trafficking cocaine. Further, according to statute, an offender can only be convicted of trafficking heroin in Classes C, E, and F; there is one Class I conviction for trafficking heroin. Non-active sentences and shorter than mandatory active sentences may reflect the use of the substantial assistance provision or incorrect offense identification.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

SECTION II

**MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2011/12**

I. MISDEMEANOR CONVICTIONS IN FY 2011/12

A. Definition of the Unit of Analysis

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

Definition of a Sentencing Episode:

A *sentencing episode* is identified from court records as the sentence imposed for the *most serious conviction* on a given day of court. While a sentencing episode involves one offender, in our reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report the unit of analysis is referred to as “conviction.”

B. Misdemeanor Convictions

This section contains detailed information about misdemeanor convictions and sentences imposed under Structured Sentencing during Fiscal Year 2011/12 (July 1, 2011 through June 30, 2012). Overall, sentences for 140,833 misdemeanor convictions were imposed. For many of the tables, information on 3,604 convictions (or 2.6%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table.

The following categories of misdemeanor convictions are excluded from this report:

- 1) Misdemeanor Driving While Impaired offenses (since they are not governed by Structured Sentencing laws);
- 2) Cases disposed of by a magistrate;
- 3) Class 2 and 3 criminal traffic offenses; and
- 4) Local ordinance offenses.

C. Distribution of Convictions within the Misdemeanor Punishment Chart

Table 16 shows the distribution of convictions within the Misdemeanor Punishment Chart. Relative to other cells within the Misdemeanor Punishment Chart, the greatest number of convictions fell into Offense Class 1 with Prior Conviction Level II (n=33,512 or 24%).

**Table 16: Distribution of Convictions within the Misdemeanor Punishment Chart
FY 2011/12 Misdemeanors**

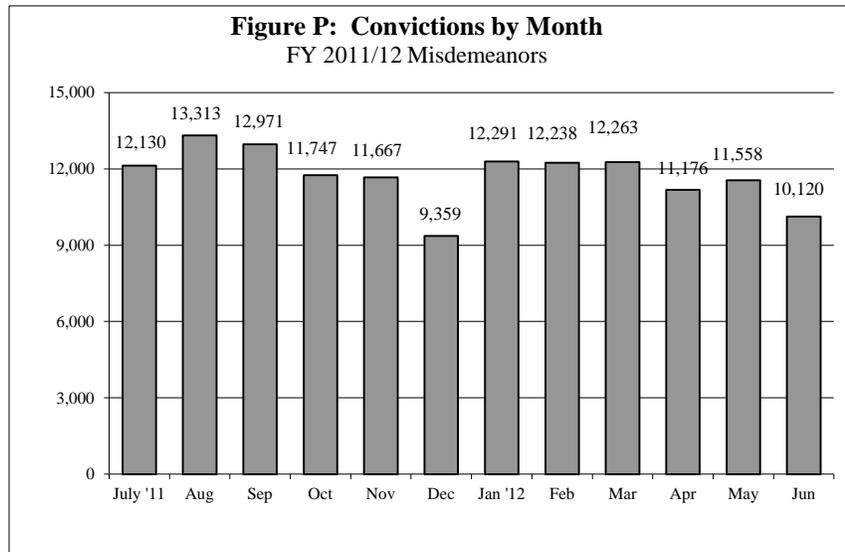
Offense Class	Prior Conviction Level			Total
	I 0 Points	II 1-4 Points	III 5+ Points	
A1	2,782 (2.0%)	4,875 (3.6%)	4,117 (3.0%)	11,774 (8.6%)
1	26,384 (19.2%)	33,512 (24.4%)	21,490 (15.7%)	81,386 (59.3%)
2	8,660 (6.3%)	8,290 (6.0%)	4,264 (3.1%)	21,214 (15.4%)
3	10,240 (7.5%)	8,068 (5.9%)	4,547 (3.3%)	22,855 (16.7%)
TOTAL	48,066 (35.0%)	54,745 (40.0%)	34,418 (25.0%)	137,229 (100.0%)

Note: Of the 140,833 misdemeanor convictions in FY 2011/12, 3,604 (2.6%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Percentages may not add to totals due to rounding.

Source: NC Sentencing and Policy Commission, FY 2011/12 Statistical Report Data

D. Convictions by Month of Sentencing

Figure P shows the number of misdemeanor convictions (N=140,833) by month of sentencing during Fiscal Year 2011/12. Convictions peaked in August and were lowest in December.



Source: NC Sentencing and Policy Commission, FY 2011/12 Statistical Report Data

E. Convictions by Judicial District and County

Table 17 shows the number of misdemeanor convictions by judicial district and county. The table also indicates whether a conviction occurred in District or Superior Court and whether it resulted from a guilty plea, a bench trial, or a jury trial.⁹ See Appendix A for a map of judicial districts. In FY 2011/12, there were 132,886 guilty pleas/bench trials in District Court, 7,737 guilty pleas in Superior Court, and 210 jury trials in Superior Court.

**Table 17: Convictions by Judicial District, County, and Mode of Disposition
FY 2011/12 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 1	Camden	99	5	0	104
	Chowan	238	12	0	250
	Currituck	270	34	1	305
	Dare	706	53	0	759
	Gates	122	25	0	147
	Pasquotank	682	50	0	732
	Perquimans	136	18	0	154
	Total	2,253	197	1	2,451
District 2	Beaufort	982	78	3	1,063
	Hyde	115	8	0	123
	Martin	470	33	4	507
	Tyrrell	95	2	1	98
	Washington	283	26	3	312
	Total	1,945	147	11	2,103
District 3A	Pitt	2,749	186	3	2,938
	Total	2,749	186	3	2,938
District 3B	Carteret	1,019	42	3	1,064
	Craven	1,901	82	0	1,983
	Pamlico	160	10	0	170
	Total	3,080	134	3	3,217
District 4	Duplin	996	126	2	1,124
	Jones	250	33	0	283
	Onslow	2,143	186	8	2,337
	Sampson	1,607	25	3	1,635
	Total	4,996	370	13	5,379
District 5	New Hanover	3,592	143	5	3,740
	Pender	508	22	0	530
	Total	4,100	165	5	4,270

⁹ For misdemeanor convictions in Superior Court, see N.C.G.S. § 7A-271(a).

**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2011/12 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 6A	Halifax	808	137	3	948
	Total	808	137	3	948
District 6B	Bertie	397	43	0	440
	Hertford	550	43	0	593
	Northampton	359	35	0	394
	Total	1,306	121	0	1,427
District 7	Edgecombe	1,044	144	7	1,195
	Nash	1,528	239	6	1,773
	Wilson	1,084	159	3	1,246
	Total	3,656	542	16	4214
District 8	Greene	323	61	0	384
	Lenoir	1,480	165	1	1,646
	Wayne	2,272	115	8	2,395
	Total	4,075	341	9	4,425
District 9	Franklin	607	88	1	696
	Granville	650	122	0	772
	Vance	1,116	120	0	1,236
	Warren	216	72	1	289
	Total	2,589	402	2	2,993
District 9A	Caswell	261	34	2	297
	Person	635	92	1	728
	Total	896	126	3	1,025
District 10	Wake	9,888	188	14	10,090
	Total	9,888	188	14	10,090
District 11	Harnett	904	12	0	916
	Johnston	1,317	36	2	1,355
	Lee	859	52	0	911
	Total	3,080	100	2	3,182
District 12	Cumberland	3,107	232	1	3,340
	Total	3,107	232	1	3,340
District 13	Bladen	484	53	0	537
	Brunswick	1,229	66	1	1,296
	Columbus	851	101	2	954
	Total	2,564	220	3	2,787
District 14	Durham	3,698	51	8	3,757
	Total	3,698	51	8	3,757
District 15A	Alamance	2,174	116	5	2,295
	Total	2,174	116	5	2,295
District 15B	Chatham	552	15	1	568

**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2011/12 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 15B (cont.)	Orange	924	20	0	944
	Total	1,476	35	1	1,512
District 16A	Hoke	754	64	1	819
	Scotland	1,145	66	1	1,212
	Total	1,899	130	2	2,031
District 16B	Robeson	3,800	78	2	3,880
	Total	3,800	78	2	3,880
District 17A	Rockingham	1,597	48	2	1,647
	Total	1,597	48	2	1,647
District 17B	Stokes	533	76	0	609
	Surry	1,278	81	1	1,360
	Total	1,811	157	1	1,969
District 18	Guilford	6,130	486	7	6,623
	Total	6,130	486	7	6,623
District 19A	Cabarrus	4,626	179	6	4,811
	Total	4,626	179	6	4,811
District 19B	Montgomery	543	26	0	569
	Randolph	1,945	87	1	2,033
	Total	2,488	113	1	2,602
District 19C	Rowan	3,407	111	3	3,521
	Total	3,407	111	3	3,521
District 19D	Moore	972	45	5	1,022
	Total	972	45	5	1,022
District 20A	Anson	445	114	1	560
	Richmond	636	117	0	753
	Stanly	588	139	2	729
	Total	1,669	370	3	2,042
District 20B	Union	1,471	291	2	1,764
	Total	1,471	291	2	1,764
District 21	Forsyth	6,053	67	13	6,133
	Total	6,053	67	13	6,133
District 22A	Alexander	370	32	0	402
	Iredell	1,977	75	1	2,053
	Total	2,347	107	1	2,455
District 22B	Davidson	2,696	118	1	2,815
	Davie	418	27	2	447
	Total	3,114	145	3	3,262
District 23	Alleghany	130	6	0	136
	Ashe	257	2	0	259

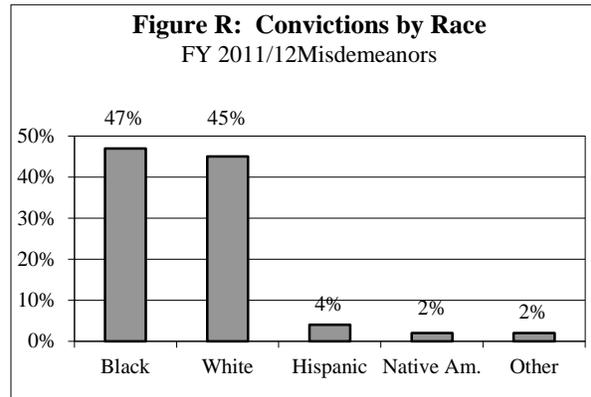
**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2011/12 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 23 (cont.)	Wilkes	960	16	0	976
	Yadkin	539	7	0	546
	Total	1,886	31	0	1,917
District 24	Avery	243	14	0	257
	Madison	187	9	2	198
	Mitchell	233	21	0	254
	Watauga	484	35	4	523
	Yancey	176	18	0	194
	Total	1,323	97	6	1,426
District 25	Burke	1,217	117	1	1,335
	Caldwell	1,269	71	2	1,342
	Catawba	2,504	120	1	2,625
	Total	4,990	308	4	5,302
District 26	Mecklenburg	7,337	434	18	7,789
Total	7,337	434	18	7,789	
District 27A	Gaston	3,173	269	7	3,449
Total	3,173	269	7	3,449	
District 27B	Cleveland	2,278	55	3	2,336
	Lincoln	1,136	65	1	1,202
	Total	3,414	120	4	3,538
District 28	Buncombe	4,201	54	6	4,261
Total	4,201	54	6	4,261	
District 29A	McDowell	711	63	3	777
	Rutherford	1,673	89	2	1,764
	Total	2,384	152	5	2,541
District 29B	Henderson	1,497	18	1	1,516
	Polk	288	15	0	303
	Transylvania	389	10	1	400
	Total	2,174	43	2	2,219
District 30	Cherokee	227	7	1	235
	Clay	57	4	1	62
	Graham	80	10	0	90
	Haywood	741	29	1	771
	Jackson	468	21	0	489
	Macon	322	16	1	339
	Swain	285	5	0	290
	Total	2,180	92	4	2,276
STATE TOTAL		132,886	7,737	210	140,833

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

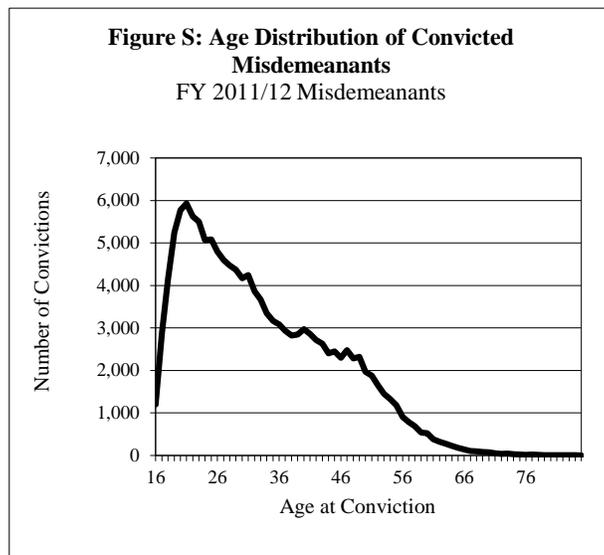
II. CHARACTERISTICS OF OFFENDERS

This section provides a summary of misdemeanor convictions by sex, race, and age of offenders. As indicated in *Figure Q*, the majority of misdemeanor convictions were for males (75%). *Figure R* shows that 47% of all misdemeanor offenders were Black and 45% were White. Only a small percentage were Hispanic (4%), Native American (2%), or Other (2%).



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

Based on age at conviction, 14% of misdemeanor convictions were for offenders under the age of 21, 19% were 21-25 years of age, 16% were 26-30 years of age, 24% were 31-40 years of age, 18% were 41-50 years of age, and 9% were over 50 years of age. The average age at conviction was 33 years. *Figure S* illustrates the age distribution of misdemeanor offenders at conviction. As with felons, the volume of offenders peaks in the late teens and early twenties and then generally declines. *Table 18* provides a summary of misdemeanor convictions by sex, race, and age of offenders.



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

**Table 18: Convictions by Sex, Race, and Age
FY 2011/12 Misdemeanors**

Sex and Race		Age at Conviction						Total
		<21	21-25	26-30	31-40	41-50	>50	
Male	White	6,471	8,665	7,115	10,675	8,061	4,347	45,334
	Black	7,120	9,970	7,592	10,950	9,317	5,892	50,841
	Hispanic	786	971	982	1,326	544	181	4,790
	Native Amer.	225	364	361	604	328	172	2,054
	Other	281	303	239	376	222	107	1,528
	Subtotal	14,883	20,273	16,289	23,931	18,472	10,699	104,547
Female	White	2,039	3,307	3,385	5,000	3,175	1,236	18,142
	Black	2,085	3,227	2,395	3,434	2,464	992	14,597
	Hispanic	95	143	116	169	67	28	618
	Native Amer.	74	167	156	276	145	50	868
	Other	72	94	70	128	74	47	485
	Subtotal	4,365	6,938	6,122	9,007	5,925	2,353	34,710
TOTAL		19,248	27,211	22,411	32,938	24,397	13,052	139,257

Note: Of the 140,833 misdemeanor convictions in FY 2011/12, 1,576 convictions with missing values for offenders' age were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

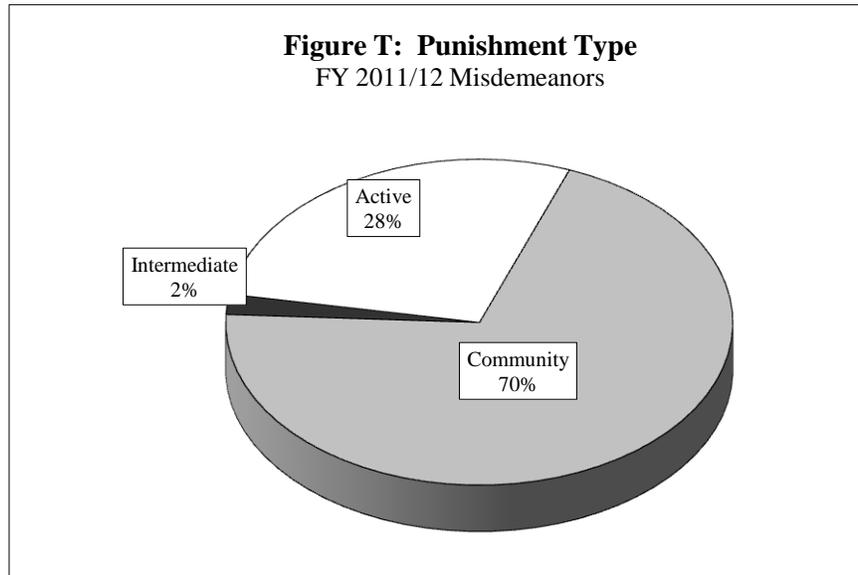
III. PUNISHMENT IMPOSED FOR MISDEMEANORS

This section summarizes information about the types of punishment imposed (Active, Intermediate, or Community) for misdemeanor convictions. It also shows the average sentence imposed and the average time to be served – adjusting for credit for time served – for misdemeanants who received an Active punishment.

A. Overall Punishment

As shown in *Figure T*, an Active punishment was imposed for 28% of misdemeanor convictions; an Intermediate punishment was imposed for 2% of misdemeanor convictions; and a Community punishment was imposed for 70% of misdemeanor convictions. Of the Active punishments

imposed, 90% were for sentences of 90 days or less, with the remaining 10% for sentences greater than 90 days.¹⁰



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Conviction Level

Misdemeanor convictions and sentences imposed are presented within the context of the Misdemeanor Punishment Chart in *Table 19*. Most convictions – regardless of the offense class or prior conviction level – resulted in the imposition of a Community punishment. Nine percent of misdemeanor convictions fell into Offense Class A1, 59% fell into Offense Class 1, 15% fell into Offense Class 2, and 17% fell into Offense Class 3. Thirty-five percent of misdemeanor convictions fell into Prior Conviction Level I, 40% fell into Prior Conviction Level II, and 25% fell into Prior Conviction Level III.

Convictions for Class A1 misdemeanors accounted for the largest percentage of Active sentences imposed relative to other offense classes (35%). The majority of convictions fell into Offense Class 1 with Prior Conviction Level II (n=33,512). The likelihood of receiving an Active punishment increased as prior conviction level increased.

¹⁰ The Justice Reinvestment Act of 2011 (S.L. 2011-192) created the Statewide Misdemeanant Confinement Program (SMCP) for certain misdemeanants. Under the Program, a misdemeanant who receives an active sentence of between 91 and 180 days (and is not convicted of impaired driving offenses) shall be incarcerated in a local confinement facility, rather than prison. The SMCP was made effective for sentences imposed on or after January 1, 2012. No court data are available for FY 2011/12 on the number of misdemeanants sentenced to the SMCP.

**Table 19: Convictions and Sentences by Offense Class and Prior Conviction Level
FY 2011/12 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Points	II 1-4 Points	III 5+ Points	
A1	C/I/A C = 2,014 (72%) I = 108 (4%) A = 660 (24%) (n=2,782) 31.7 days	C/I/A C = 3,199 (66%) I = 203 (4%) A = 1,473 (30%) (n=4,875) 46.4 days	C/I/A C = 1,792 (44%) I = 300 (7%) A = 2,025 (49%) (n=4,117) 93.4 days	C/I/A C = 7,005 (60%) I = 611 (5%) A = 4,158 (35%) (n=11,774) 66.9 days
1	C C = 21,995 (83%) I = 111 (1%) A = 4,278 (16%) (n=26,384) 20.5 days	C/I/A C = 24,625 (74%) I = 748 (2%) A = 8,139 (24%) (n=33,512) 24.9 days	C/I/A C = 11,893 (55%) I = 1,018 (5%) A = 8,579 (40%) (n=21,490) 61.8 days	C/I/A C = 58,513 (72%) I = 1,877 (2%) A = 20,996 (26%) (n=81,386) 39.1 days
2	C C = 6,991 (81%) I = 14 (0%) A = 1,655 (19%) (n=8,660) 14.6 days	C/I C = 5,800 (70%) I = 85 (1%) A = 2,405 (29%) (n=8,290) 19.1 days	C/I/A C = 2,136 (50%) I = 82 (2%) A = 2,046 (48%) (n=4,264) 29.1 days	C/I/A C = 14,927 (70%) I = 181 (1%) A = 6,106 (29%) (n=21,214) 21.2 days
3	C C = 7,859 (77%) I = 5 (0%) A = 2,376 (23%) (n=10,240) 5.5 days	C/I C = 5,880 (73%) I = 19 (0%) A = 2,169 (27%) (n=8,068) 7.7 days	C/I/A C = 2,121 (47%) I = 33 (1%) A = 2,393 (52%) (n=4,547) 10.1 days	C/I/A C = 15,860 (70%) I = 57 (0%) A = 6,938 (30%) (n=22,855) 7.7 days
TOTAL	C/I/A C = 38,859 (81%) I = 238 (0%) A = 8,969 (19%) (n=48,066) 16.3 days	C/I/A C = 39,504 (72%) I = 1,055 (2%) A = 14,186 (26%) (n=54,745) 23.5 days	C/I/A C = 17,942 (52%) I = 1,433 (4%) A = 15,043 (44%) (n=34,418) 53.3 days	C/I/A C = 96,305 (70%) I = 2,726 (2%) A = 38,198 (28%) (n=137,229) 33.6 days

Note: Of the 140,833 misdemeanor convictions in FY 2011/12, 3,604 (2.6%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.

Source: NC Sentencing and Policy Commission, FY 2011/12 Statistical Report Data

C. Average Length of Active Sentences

Information on the average sentence imposed, average credit for time served, and average time to be served for misdemeanor convictions resulting in an Active punishment is presented in *Table 20*. Time to be served is calculated by subtracting credit for time served from the Active sentence imposed. The length of Active sentences imposed and time to be served were found to increase as offense class and prior conviction level increased. The longest average time to be served was for Class A1 misdemeanors (40 days). Overall, the average time to be served for misdemeanor convictions was 19 days. Seventy-one percent of offenders with Active sentences received credit for time served.

**Table 20: Average Length of Active Sentences by Offense Class and Prior Conviction Level
FY 2011/12 Misdemeanors**

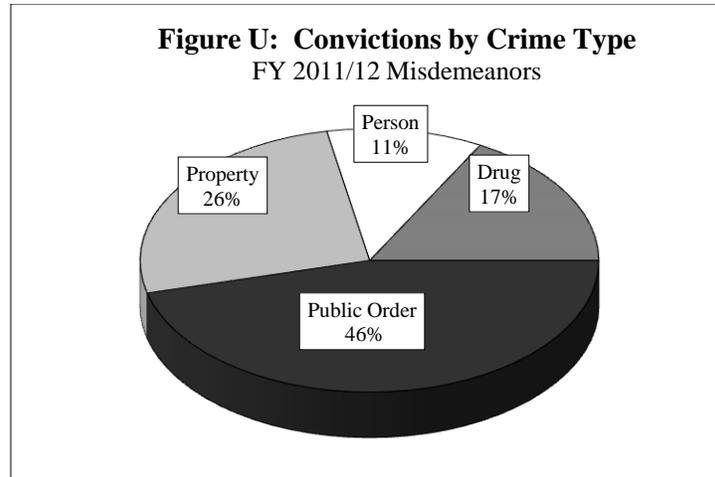
Offense Class		Prior Conviction Level			Total
		I 0 Points	II 1-4 Points	III 5+ Points	
A1	Average Active Sentence (Days)	31.7	46.4	93.4	66.9
	Average Credit for Time Served (Days)	21.2	24.7	30.5	27.0
	Average Time to be Served (Days)	10.4	21.7	62.9	40.0
	No. of Active Sentences	660	1,473	2,025	4,158
1	Average Active Sentence (Days)	20.5	24.9	61.8	39.1
	Average Credit for Time Served (Days)	14.6	13.1	18.9	15.8
	Average Time to be Served (Days)	6.0	11.8	42.9	23.3
	No. of Active Sentences	4,278	8,139	8,579	20,996
2	Average Active Sentence (Days)	14.6	19.1	29.1	21.2
	Average Credit for Time Served (Days)	11.7	12.8	14.3	13.0
	Average Time to be Served (Days)	2.9	6.3	14.8	8.2
	No. of Active Sentences	1,655	2,405	2,046	6,106
3	Average Active Sentence (Days)	5.5	7.7	10.1	7.7
	Average Credit for Time Served (Days)	4.7	5.8	5.6	5.3
	Average Time to be Served (Days)	0.8	1.9	4.5	2.4
	No. of Active Sentences	2,376	2,169	2,393	6,938
TOTAL	Average Active Sentence (Days)	16.3	23.5	53.3	33.6
	Average Credit for Time Served (Days)	11.9	13.1	17.7	14.6
	Average Time to be Served (Days)	4.3	10.4	35.6	18.9
	No. of Active Sentences	8,969	14,186	15,043	38,198

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

D. Punishment Imposed by Crime Type

As shown in *Figure U*, public order offenses (46%) accounted for the majority of misdemeanor convictions, while misdemeanor person offenses accounted for the lowest proportion (11%).



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

Table 21 contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average minimum sentence imposed and average time to be served for offenders who received an Active punishment. Of the convictions for the four crime types, those for drug offenses were least likely to result in an Active punishment (23%). Twenty-nine percent of convictions for property offenses and 28% of convictions for public order offenses resulted in an Active punishment, as did 33% of person offenses. The average minimum sentence imposed and average time to be served were longest for convictions for person offenses.

**Table 21: Punishment by Crime Type
FY 2011/12 Misdemeanors**

Crime Type	Type of Punishment						Minimum Active Sentence (Days)	Credit for Time Served (Days)	Time to be Served (Days)	Total
	Active		Intermediate		Community					
	#	%	#	%	#	%				
Person	4,726	33	588	4	8,910	63	56.6	24.6	32.0	14,224
Property	10,332	29	867	2	25,006	69	39.0	18.3	20.7	36,205
Drug	5,328	23	381	2	17,285	75	27.4	12.3	15.0	22,994
Public Order	17,812	28	890	1	45,104	71	26.2	10.6	15.6	63,806
TOTAL	38,198	28	2,726	2	96,305	70	33.6	14.6	18.9	137,229

Note: Of the 140,833 misdemeanor convictions in FY 2011/12, 3,604 (2.6%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

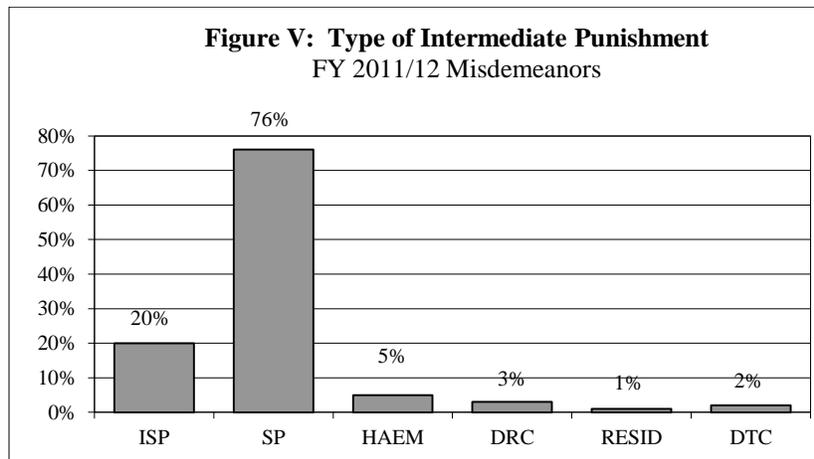
IV. INTERMEDIATE PUNISHMENTS

This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed at sentencing.*¹¹ Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation plus at least one additional sanction.¹² The types of intermediate sanctions include Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Intensive Supervision Probation (ISP), Day Reporting Center (DRC), Residential Treatment Facility (RESID), and Drug Treatment Court (DTC). See *Appendix E* for a brief description of each sanction.

During Fiscal Year 2011/12, there were 2,726 convictions for which an Intermediate punishment was imposed. One or more specific intermediate sanctions were reported for 2,663 of these convictions (a reporting rate of 98%). It is possible that a single conviction could result in the imposition of more than one intermediate sanction. *Consequently, the following tables and figures reflect the total number of intermediate sanctions imposed, not the total number of convictions for which an intermediate sanction was imposed.*

A. Intermediate Punishments Imposed

Figure V shows the percentage of convictions for which each intermediate sanction was imposed. Where a specific intermediate sanction was reported in the AOC database, data indicated that Special Probation accounted for the highest percentage of convictions (76%). Assignment to a Residential Treatment Facility accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1%).



Note: The percentages in this figure do not add to 100%. The Justice Reinvestment Act of 2011(S.L. 2011-192) redefined Intermediate punishment, effective December 1, 2011. The information in this table does not reflect the new definition of Intermediate punishment.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

¹¹ Intermediate punishments that are subsequently imposed as a result of modifications to probation are not included.

¹² The Justice Reinvestment Act of 2011 (S.L. 2011-192) redefined Intermediate punishment effective for offenses committed on or after December 1, 2011. As a result, certain intermediate sanctions are no longer available as sentencing options. The information in this section does not reflect the new definition of Intermediate punishment.

B. Intermediate Punishments by Offense Class and Prior Conviction Level

Table 22 contains the frequency of intermediate sanctions by offense class and prior conviction level, with the greatest number of intermediate sanctions imposed for Class 1 with Prior Conviction Level III (n=1,080). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (n=1,946). Convictions for Class A1 offenses resulted in the longest average probation sentences (20 months).

**Table 22: Type of Intermediate Punishment by Offense Class and Prior Conviction Level
FY 2011/12 Misdemeanors**

Offense Class	Prior Conviction Level	Type of Intermediate Punishment						Total
		Special Probation	Residential Facility	Day Reporting Center	Drug Treatment Court	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
A1	I	80	0	2	0	20	7	109
	II	164	0	4	1	31	6	206
	III	240	3	4	1	62	14	324
	Subtotal	484 <i>20 months</i>	3 <i>24 months</i>	10 <i>17 months</i>	2 <i>15 months</i>	113 <i>24 months</i>	27 <i>24 months</i>	639 <i>20 months</i>
1	I	70	1	10	3	15	8	107
	II	489	7	22	24	182	35	759
	III	781	6	17	36	191	49	1,080
	Subtotal	1,340 <i>17 months</i>	14 <i>21 months</i>	49 <i>15 months</i>	63 <i>22 months</i>	388 <i>21 months</i>	92 <i>24 months</i>	1,946 <i>18 months</i>
2	I	11	0	2	0	1	1	15
	II	64	0	5	1	12	5	87
	III	70	0	1	1	8	7	87
	Subtotal	145 <i>15 months</i>	0 <i>N/A</i>	8 <i>13 months</i>	2 <i>18 months</i>	21 <i>19 months</i>	13 <i>19 months</i>	189 <i>16 months</i>
3	I	3	0	0	1	1	0	5
	II	17	0	1	0	1	0	19
	III	29	0	1	1	4	0	35
	Subtotal	49 <i>14 months</i>	0 <i>N/A</i>	2 <i>9 months</i>	2 <i>21 months</i>	6 <i>15 months</i>	0 <i>N/A</i>	59 <i>14 months</i>
TOTAL		2,018 <i>18 months</i>	17 <i>21 months</i>	69 <i>15 months</i>	69 <i>22 months</i>	528 <i>22 months</i>	132 <i>23 months</i>	2,833 <i>19 months</i>

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. The Justice Reinvestment Act of 2011 (S.L. 2011-192) redefined Intermediate punishment, effective December 1, 2011. The information in this table does not reflect the new definition of Intermediate punishment.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

C. Intermediate Punishments by Crime Type

Table 23 shows the frequency of specific intermediate sanctions by crime type. Of those convictions for which an intermediate sanction was reported, the majority were for public order offenses (n=919) and property offenses (n=901).

**Table 23: Type of Intermediate Punishment by Crime Type
FY 2011/12 Misdemeanors**

Crime Type	Type of Intermediate Punishment						Total
	Special Probation	Residential Facility	Day Reporting Center	Drug Treatment Court	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
Person	466	2	11	2	102	31	614
Property	593	9	23	25	202	49	901
Drug	192	5	25	32	128	17	399
Public Order	767	1	10	10	96	35	919
TOTAL	2,018	17	69	69	528	132	2,833

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. The Justice Reinvestment Act of 2011 (S.L. 2011-192) redefined Intermediate punishment, effective December 1, 2011. The information in this table does not reflect the new definition of Intermediate punishment.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

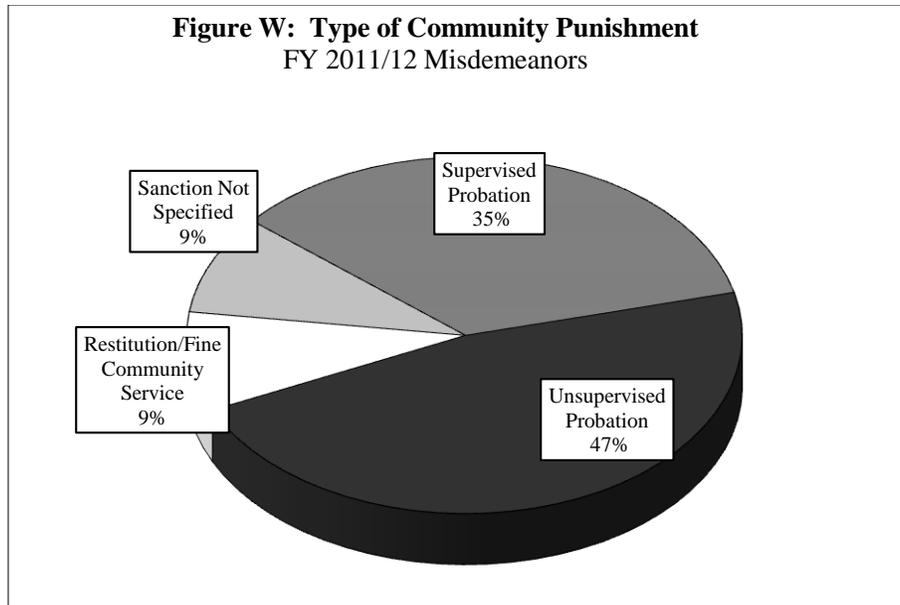
V. COMMUNITY PUNISHMENTS

A. Community Punishments by Offense Class

This section includes only those convictions for which a Community punishment was imposed. Of the 96,305 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 87,996 convictions.¹³ Overall, 47% received Unsupervised Probation; 35% received Supervised Probation; 9% received only Restitution/Fine/Community Service without probation; and 9% had no specific sanction ordered (see Figure W).¹⁴

¹³ The Justice Reinvestment Act of 2011 (S.L. 2011-192) redefined Community punishment effective for offenses committed on or after December 1, 2011. The information in this section does not reflect the new definition of Community punishment.

¹⁴ In some cases, the court may not have specified a sanction. In other instances, the court may have imposed a sanction for which there is no specific data field in the AOC's ACIS (e.g., outpatient drug/alcohol treatment or referral to TASC).



Note: The Justice Reinvestment Act of 2011 (S.L. 2011-192) redefined Community punishment effective December 1, 2011. The information in this table does not reflect the new definition of Community punishment.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

Table 24 shows the type of Community punishment imposed by offense class, as well as information regarding the average length of probation sentences. Convictions for Class 1 offenses comprised the majority of convictions resulting in a Community punishment (n=58,513). Convictions for Class A1 offenses resulted in the longest average probation sentences (17 months).

**Table 24: Type of Community Punishment by Offense Class
FY 2011/12 Misdemeanors**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
A1	4,448 <i>17 months</i>	2,049 <i>15 months</i>	74 <i>N/A</i>	434 <i>N/A</i>	7,005 <i>17 months</i>
1	23,653 <i>16 months</i>	25,822 <i>13 months</i>	4,959 <i>N/A</i>	4,079 <i>N/A</i>	58,513 <i>15 months</i>
2	3,990 <i>15 months</i>	8,143 <i>13 months</i>	1,300 <i>N/A</i>	1,494 <i>N/A</i>	14,927 <i>13 months</i>
3	2,018 <i>13 months</i>	8,947 <i>12 months</i>	2,593 <i>N/A</i>	2,302 <i>N/A</i>	15,860 <i>12 months</i>
TOTAL	34,109 <i>16 months</i>	44,961 <i>13 months</i>	8,926 <i>N/A</i>	8,309 <i>N/A</i>	96,305 <i>14 months</i>

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. The Justice Reinvestment Act of 2011 (S.L. 2011-192) redefined Community punishment effective December 1, 2011. The information in this table does not reflect the new definition of Community punishment.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

B. Community Punishments by Crime Type

The type of Community punishment imposed by crime type and the average length of probation sentences are provided in *Table 25*. Public order offenses were the largest offense category for which Supervised Probation was imposed (n=12,546) followed by property offenses (n=11,844). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (n=22,410).

**Table 25: Type of Community Punishment by Crime Type
FY 2011/12 Misdemeanors**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	4,780 <i>17 months</i>	3,333 <i>14 months</i>	188 <i>N/A</i>	609 <i>N/A</i>	8,910 <i>16 months</i>
Property	11,844 <i>16 months</i>	10,411 <i>14 months</i>	1,138 <i>N/A</i>	1,613 <i>N/A</i>	25,006 <i>15 months</i>
Drug	4,939 <i>14 months</i>	8,807 <i>13 months</i>	2,198 <i>N/A</i>	1,341 <i>N/A</i>	17,285 <i>13 months</i>
Public Order	12,546 <i>15 months</i>	22,410 <i>13 months</i>	5,402 <i>N/A</i>	4,746 <i>N/A</i>	45,104 <i>14 months</i>
TOTAL	34,109 <i>16 months</i>	44,961 <i>13 months</i>	8,926 <i>N/A</i>	8,309 <i>N/A</i>	96,305 <i>14 months</i>

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. The Justice Reinvestment Act of 2011 (S.L. 2011-192) redefined Community punishment effective December 1, 2011. The information in this table does not reflect the new definition of Community punishment.

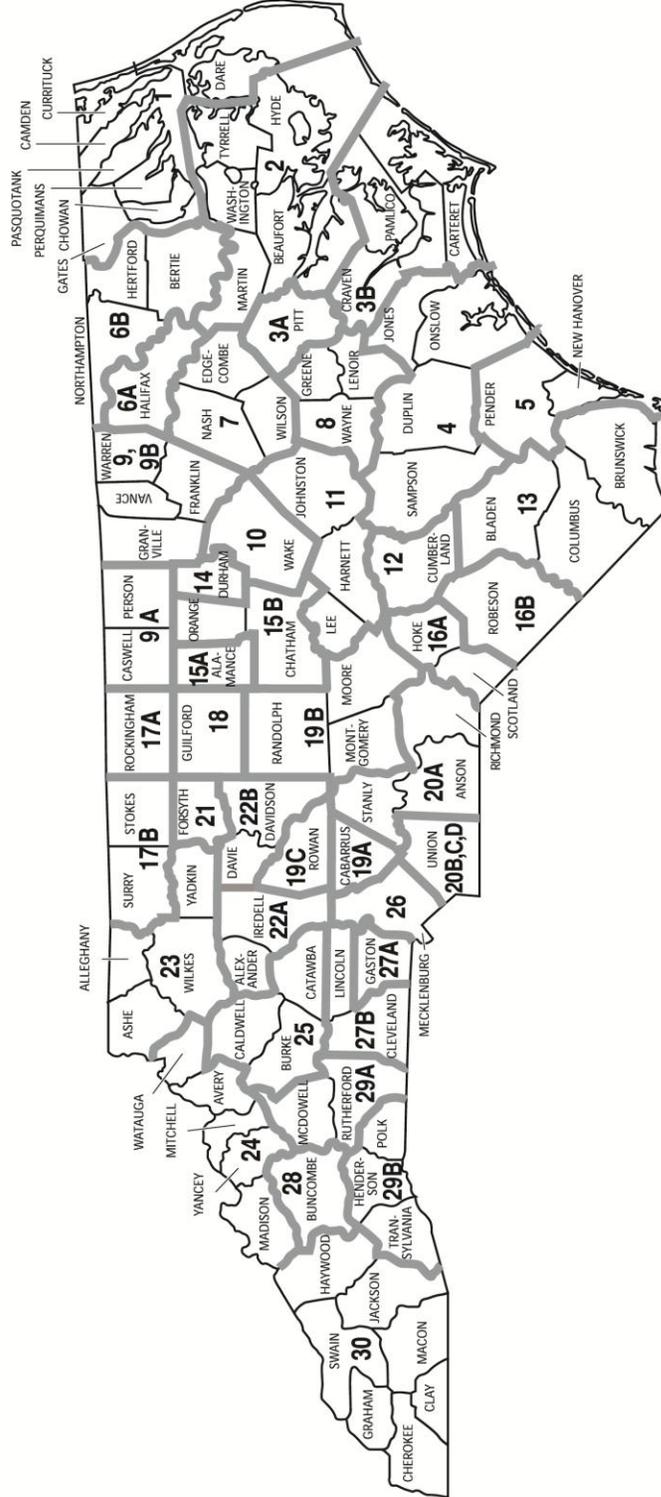
Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

APPENDIX A

MAP OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina District Court Districts

Effective January 15, 2009



Note: Districts 9 and 9B, and districts 20B, 20C, and 20D are districts for electoral purposes only. They are combined for administrative purposes.

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APPENDIX B

SAMPLE OFFENSES

**Appendix B, Table 1: Classification of a Sample of Offenses
(Effective 12/1/11)**

CLASS A FELONIES	Maximum Punishment of Death or Life Without Parole
First-Degree Murder. (14-17)	
CLASS B1 FELONIES	Maximum Punishment of Life Without Parole
First-Degree Rape. (14-27.2)	First-Degree Sexual Offense. (14-27.4)
CLASS B2 FELONIES	Maximum Punishment of 484* Months
Second-Degree Murder. (14-17)	
CLASS C FELONIES	Maximum Punishment of 231* Months
Second-Degree Rape. (14-27.3)	First-Degree Kidnapping. (14-39)
Second-Degree Sexual Offense. (14-27.5)	Embezzlement (amount involved \$100,000 or more). (14-90)
Assault W/D/W/I/K/I/S/I. (14-32(a))	
CLASS D FELONIES	Maximum Punishment of 204* Months
Voluntary Manslaughter. (14-18)	First-Degree Arson. (14-58)
Malicious Use of Explosive or Incendiary. (14-49(a))	Armed Robbery. (14-87)
First-Degree Burglary. (14-51)	Sell or Deliver a Controlled Substance to a Person Under 16 But More than 13 Years of Age. (90-95(e)(5))
CLASS E FELONIES	Maximum Punishment of 88* Months
Intercourse and Sexual Offenses with Certain Victims (Substitute Parent/Custodian). (14-27.7)	Second-Degree Kidnapping. (14-39)
Assault W/D/W/I/S/I. (14-32(b))	Child Abuse Inflicting Serious Physical Injury. (14-318.4(a))
Assault W/D/W/I/K. (14-32(c))	Death by Vehicle. (20-141.4(a)(1))
Discharging Weapon Into Occupied Property. (14-34.1(a))	Sell or Deliver a Controlled Substance Within 1,000 Feet of a School. (90-95(e)(8))
Assault with a Firearm on a Law Enforcement Officer. (14-34.5)	
CLASS F FELONIES	Maximum Punishment of 59 Months
Involuntary Manslaughter. (14-18)	Burning of Certain Other Buildings. (14-62)
Assault Inflicting Serious Bodily Injury. (14-32.4)	Participating in Prostitution of a Minor. (14-190.19)
Assault W/D/W on Governmental Officer or Employee. (14-34.2)	Taking Indecent Liberties with Children. (14-202.1)
Assault I/S/I on a Law Enforcement Officer. (14-34.7)	Possess Weapon of Mass Destruction. (14-288.8)
Felonious Restraint. (14-43.3)	Habitual Impaired Driving. (20-138.5)
CLASS G FELONIES	Maximum Punishment of 47 Months
Second-Degree Burglary. (14-51)	Identity Theft. (14-113.20)
Second-Degree Arson. (14-58)	Possession of Firearms, etc., by Felon. (14-415.1)
Common Law Robbery. (14-87.1)	Sale of a Schedule I or II Controlled Substance. (90-95(a)(1))
CLASS H FELONIES	Maximum Punishment of 39 Months
Assault by Strangulation. (14-32.4(b))	Embezzlement (amount involved less than \$100,000). (14-90)
Habitual Misdemeanor Assault. (14-33.2)	Obtaining Property by False Pretenses (amount involved less than \$100,000). (14-100)
Breaking or Entering Buildings (w/felonious intent). (14-54(a))	Hit and Run (resulted in injury). (20-166(a1))
Fraudulently Setting Fire to Dwelling Houses. (14-65)	Sale of a Schedule III, IV, V, or VI Controlled Substance. (90-95(a)(1))
Possessing Stolen Goods. (14-71.1)	Possession W/I/M/S/D Cocaine. (90-95(a)(1))
Larceny of Property (worth more than \$1,000). (14-72)	Escaping From State Prison System (felon). (148-45(b))

*For a Class B1 through E felony that is subject to the registration requirements of G.S. Chapter 14, Article 27A, add 48 months.

**Appendix B, Table 1: Classification of a Sample of Offenses (continued)
(Effective 12/1/11)**

CLASS I FELONIES		Maximum Punishment of 24 Months
Breaking or Entering Motor Vehicles. (14-56)	Possession W/I/M/S/D Marijuana. (90-95(a)(1))	
Financial Transaction Card Theft. (14-113.9)	Possess Cocaine. (90-95(a)(3))	
Forgery of Notes, Checks, Securities. (14-119(a))	Maintain Dwelling or Motor Vehicle for Keeping or Selling a Controlled Substance. (90-108(a)(7), (b))	
Uttering Forged Paper or Instrument. (14-120)	Obtain a Controlled Substance by Fraud. (90-108(a)(10), (b))	
CLASS A1 MISDEMEANORS		Maximum Punishment of 150 Days
Assault Inflicting Serious Injury or Using a Deadly Weapon. (14-33(c)(1))	Assault on a State Officer or Employee. (14-33(c)(4))	
Assault on a Female. (14-33(c)(2))	Assault by Pointing a Gun. (14-34)	
Assault on a Child Under 12 Years of Age. (14-33(c)(3))	Violation of a Valid Protective Order. (50B-4.1(a))	
CLASS 1 MISDEMEANORS		Maximum Punishment of 120 Days
Breaking or Entering Buildings. (14-54(b))	Willful and Wanton Injury to Real Property. (14-127)	
Larceny of Property (worth \$1,000 or less). (14-72)	Communicating Threats. (14-277.1)	
Unauthorized Use of a Motor Vehicle. (14-72.2)	Possession of Drug Paraphernalia. (90-113.22)	
Worthless Checks for \$2,000 or Less (closed account). (14-107(d)(4))	Misrepresentation to Obtain Employment Security Benefits. (96-18(a))	
CLASS 2 MISDEMEANORS		Maximum Punishment of 60 Days
Simple Assault/Assault and Battery. (14-33(a))	Failure to Return Rental Property. (14-167)	
Obtaining Property in Return for Worthless Check. (14-106)	Using Profane, Indecent or Threatening Language to Any Person Over Telephone. (14-196)	
Worthless Check for \$2,000 or Less. (14-107(d)(1))	Resisting Officers. (14-223)	
First-Degree Trespass. (14-159.12)	Carrying Concealed Weapons. (14-269(a), (a1)/first offense)	
Willful and Wanton Injury to Personal Property. (14-160(a))	Disorderly Conduct. (14-288.4)	
CLASS 3 MISDEMEANORS		Maximum Punishment of 20 Days
Concealment of merchandise in mercantile establishments (first conviction). (14-72.1)	Operate Motorboat Without Lifesaving Device. (75A-6)	
Second-Degree Trespass. (14-159.13)	Possess Marijuana (1/2 ounce or less). (90-95(a)(3))	
Intoxicated and Disruptive in Public. (14-444)	Hunting Without a License. (113-270.2)	
Unsealed Wine/Liquor in Passenger Area. (18B-401)	Fishing Without a License. (113-271)	
CONSPIRACY to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4)		
ATTEMPT to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5)		
SOLICITATION to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6)		
ACCESSORY BEFORE THE FACT punishable as the principal felon. (14-5.2)		
ACCESSORY AFTER THE FACT punishable as two classes lower than the felony the principal felon committed. (14-7)		

**Appendix B, Table 2: Top Five Convictions by Offense Class
FY 2011/12 Felonies and Misdemeanors**

CLASS A FELONIES		Total Convictions= 70	
	#	%	
First Degree Murder	70	100.0	
CLASS B1 FELONIES		Total Convictions=122	
	#	%	
First Degree Sex Offense with a Child	34	27.9	
Statutory Rape	29	23.8	
First Degree Rape	21	17.2	
First Degree Rape of a Child	11	9.0	
First Degree Sexual Offense	9	7.4	
CLASS B2 FELONIES		Total Convictions=264	
	#	%	
Second Degree Murder	194	73.5	
Attempted First Degree Sexual Offense	14	5.3	
Attempted First Degree Murder	13	4.9	
Attempted First Degree Rape	4	1.5	
CLASS C FELONIES		Total Convictions=1,001	
	#	%	
Habitual Felon	643	64.2	
AWDW Intent to Kill Inflicting Serious Injury	72	7.2	
First Degree Kidnapping	48	4.8	
Second Degree Rape	46	4.6	
Manufacture Methamphetamine	38	3.8	
CLASS D FELONIES		Total Convictions=714	
	#	%	
Robbery with a Dangerous Weapon	395	55.3	
First Degree Burglary	103	14.4	
Voluntary Manslaughter	68	9.5	
Attempted Robbery with a Dangerous Weapon	62	8.7	
Attempted Second Degree Rape	14	2.0	
CLASS E FELONIES		Total Convictions=1,267	
	#	%	
Assault Inflicting Serious Injury	334	26.4	
Conspiracy to Commit Robbery with a Dangerous Weapon	186	14.7	
Second Degree Kidnapping	119	9.4	
Discharging Weapon Into Occupied Property	87	6.9	
AWDW Intent to Kill	61	4.8	

**Appendix B, Table 2: Top Five Convictions by Offense Class (continued)
FY 2011/12 Felonies and Misdemeanors**

CLASS F FELONIES		Total Convictions=2,302	
	#	%	
Taking Indecent Liberties with Children	470	20.4	
Habitual Impaired Driving	310	13.5	
Failure to Register as a Sex Offender	167	7.3	
Assault Inflicting Serious Bodily Injury	150	6.5	
Possess or Distribute a Methamphetamine Precursor	131	5.7	
CLASS G FELONIES		Total Convictions=3,312	
	#	%	
Possession of a Firearm by a Felon	1,080	32.6	
Common Law Robbery	565	17.1	
Sell Cocaine	364	11.0	
Identity Theft	222	6.7	
Sell or Deliver Schedule II Controlled Substance	157	4.7	
CLASS H FELONIES		Total Convictions=11,182	
	#	%	
Breaking or Entering Buildings (with felonious intent)	3,244	29.0	
Obtaining Property by False Pretenses (amount involved less than \$100,000)	1,322	11.8	
Larceny of Property (worth more than \$1,000)	1,042	9.3	
PWISD Cocaine	718	6.4	
Possessing Stolen Goods	485	4.3	
CLASS I FELONIES		Total Convictions=5,484	
	#	%	
Possess Cocaine	1,184	21.6	
PWISD Marijuana	617	11.3	
Breaking or Entering a Motor Vehicle	446	8.1	
Possess Schedule II Controlled Substance	340	6.2	
Possess Marijuana	278	5.1	
CLASS A1 MISDEMEANORS		Total Convictions=11,774	
	#	%	
Assault on a Female	5,906	50.2	
Assault on a Government Official or Employee	1,303	11.1	
Domestic Violence Protective Order Violation	1,117	9.5	
Assault with a Deadly Weapon	1,115	9.5	
Assault Inflicting Serious Injury	716	6.1	

**Appendix B, Table 2: Top Five Convictions by Offense Class (continued)
FY 2011/12 Felonies and Misdemeanors**

CLASS 1 MISDEMEANORS		Total Convictions=81,386	
	#	%	
Driving While License Revoked	27,346	33.6	
Larceny of Property (worth \$1,000 or less)	17,192	21.1	
Possess Drug Paraphernalia	12,512	15.4	
Operate a Vehicle Without Insurance	2,868	3.5	
Breaking or Entering Buildings	2,353	2.9	
CLASS 2 MISDEMEANORS		Total Convictions=21,214	
	#	%	
Resisting Public Officers	6,301	29.7	
Simple Assault	3,183	15.0	
Simple Worthless Check (for \$2,000 or less)	3,055	14.4	
Disorderly Conduct	1,600	7.5	
Injury to Personal Property	598	2.8	
CLASS 3 MISDEMEANORS		Total Convictions=22,866	
	#	%	
Possess Marijuana (1/2 ounce or less)	6,688	29.2	
Second Degree Trespass	5,627	24.6	
Shoplifting/Concealment of Goods	3,520	15.4	
Intoxicated and Disruptive in Public	2,122	9.3	
Simple Possession of Schedule VI Controlled Substance	1,210	5.3	

Note: This table includes only the convictions for which an AOC offense-specific offense code was used to record the convicted offense. Convictions that did not fit within the appropriate cell in the Felony or Misdemeanor Punishment Charts due to discrepant offense classes, prior record/conviction levels, or for other reasons were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

APPENDIX C

**ADDITIONAL FELONY DATA
BY JUDICIAL DIVISION AND DISTRICT**

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
FY 2011/12 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
First Judicial Division	867	42.3	834	40.7	349	17.0	27.7	36.0	2,050
District 1	89	31.7	120	42.7	72	25.6	27.1	34.8	281
District 2	125	30.9	236	58.3	44	10.9	35.3	45.8	405
District 3A	261	51.0	163	31.8	88	17.2	20.1	26.4	512
District 6A	74	47.7	51	32.9	30	19.4	32.7	42.5	155
District 6B	61	46.2	45	34.1	26	19.7	37.1	48.5	132
District 7A	126	54.8	75	32.6	29	12.6	30.0	38.6	230
District 7B,C	131	39.1	144	43.0	60	17.9	27.2	35.0	335
Second Judicial Division	1,131	39.6	1,175	41.1	550	19.3	27.8	36.6	2,856
District 3B	147	32.0	240	52.3	72	15.7	32.5	41.8	459
District 4A	196	38.1	225	43.7	94	18.3	27.0	35.1	515
District 4B	161	40.7	151	38.1	84	21.2	29.2	38.4	396
District 5	318	36.9	327	37.9	217	25.2	24.2	32.4	862
District 8A	164	48.4	132	38.9	43	12.7	25.7	34.1	339
District 8B	145	50.9	100	35.1	40	14.0	32.6	43.1	285
Third Judicial Division	1,960	46.8	1,450	34.6	776	18.5	23.7	31.8	4,186
District 9	204	49.4	142	34.4	67	16.2	20.6	27.0	413
District 9A	110	44.2	110	44.2	29	11.6	28.1	36.9	249
District 10	1,007	50.0	523	26.0	482	24.0	20.6	28.6	2,012
District 14	270	39.0	355	51.3	67	9.7	31.5	41.0	692
District 15A	222	40.7	230	42.2	93	17.1	25.6	33.4	545
District 15B	147	53.5	90	32.7	38	13.8	28.8	37.7	275

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
(continued)
FY 2011/12 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Fourth Judicial Division</i>	1,285	42.1	1,161	38.1	605	19.8	29.1	38.2	3,051
District 11A	147	35.1	197	47.0	75	17.9	26.1	35.3	419
District 11B	182	37.1	158	32.2	150	30.6	28.0	38.5	490
District 12	397	51.8	243	31.7	126	16.4	26.1	34.1	766
District 13A	104	51.7	65	32.3	32	15.9	28.1	37.3	201
District 13B	109	34.7	107	34.1	98	31.2	23.9	31.4	314
District 16A	146	40.3	162	44.8	54	14.9	33.1	42.9	362
District 16B	200	40.1	229	45.9	70	14.0	38.3	49.1	499
<i>Fifth Judicial Division</i>	1,749	43.5	1,595	39.7	670	16.7	29.3	38.8	4,014
District 17A	115	39.7	127	43.8	48	16.6	35.6	46.5	290
District 17B	105	39.9	124	47.1	34	12.9	21.1	28.1	263
District 18	779	48.5	591	36.8	236	14.7	27.7	36.8	1,606
District 19B	100	31.1	180	55.9	42	13.0	32.4	41.7	322
District 19D	106	35.9	90	30.5	99	33.6	31.1	40.9	295
District 21	394	48.0	280	34.1	146	17.8	31.5	41.9	820
District 23	150	35.9	203	48.6	65	15.6	29.8	39.5	418
<i>Sixth Judicial Division</i>	1,214	36.3	1,456	43.6	670	20.1	30.5	40.1	3,340
District 19A	225	32.3	285	40.9	186	26.7	35.3	46.4	696
District 19C	210	41.2	210	41.2	90	17.6	29.9	40.0	510
District 20A	162	40.4	159	39.7	80	20.0	30.0	40.1	401
District 20B	139	33.9	205	50.0	66	16.1	33.7	43.7	410
District 22A	201	30.1	327	49.0	140	21.0	25.8	33.3	668
District 22B	277	42.3	270	41.2	108	16.5	29.1	38.1	655

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
(continued)
FY 2011/12 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Seventh Judicial Division</i>	<i>1,768</i>	<i>41.3</i>	<i>1,942</i>	<i>45.4</i>	<i>571</i>	<i>13.3</i>	<i>35.5</i>	<i>46.1</i>	<i>4,281</i>
District 25A	144	33.9	196	46.1	85	20.0	36.8	47.3	425
District 25B	141	38.7	148	40.7	75	20.6	42.5	54.0	364
District 26	927	47.0	811	41.1	234	11.9	36.2	47.2	1,972
District 27A	241	36.4	357	53.9	64	9.7	29.1	37.9	662
District 27B	315	36.7	430	50.1	113	13.2	34.8	45.0	858
<i>Eighth Judicial Division</i>	<i>702</i>	<i>36.2</i>	<i>879</i>	<i>45.3</i>	<i>359</i>	<i>18.5</i>	<i>28.4</i>	<i>37.7</i>	<i>1,940</i>
District 24	98	28.7	175	51.2	69	20.2	28.3	36.5	342
District 28	243	39.8	260	42.6	108	17.7	33.3	43.9	611
District 29A	123	32.6	202	53.6	52	13.8	23.1	31.9	377
District 29B	118	36.2	132	40.5	76	23.3	24.1	31.8	326
District 30A	55	40.4	45	33.1	36	26.5	33.2	43.8	136
District 30B	65	43.9	65	43.9	18	12.2	24.8	32.5	148
<i>STATE TOTAL</i>	<i>10,676</i>	<i>41.5</i>	<i>10,492</i>	<i>40.8</i>	<i>4,550</i>	<i>17.7</i>	<i>29.1</i>	<i>38.3</i>	<i>25,718</i>

Note: Of the 28,169 felony convictions in FY 2011/12, 2,451 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only)
FY 2011/12 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Judicial Division and Judicial District	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>First Judicial Division</i>	<i>149</i>	<i>17.3</i>	<i>693</i>	<i>80.3</i>	<i>21</i>	<i>2.4</i>	<i>863</i>
District 1	7	8.0	79	89.8	2	2.3	88
District 2	19	15.2	102	81.6	4	3.2	125
District 3A	79	30.3	175	67.0	7	2.7	261
District 6A	11	15.1	62	84.9	0	0	73
District 6B	11	18.3	46	76.7	3	5.0	60
District 7A	12	9.5	111	88.1	3	2.4	126
District 7B,C	10	7.7	118	90.8	2	1.5	130
<i>Second Judicial Division</i>	<i>268</i>	<i>23.8</i>	<i>807</i>	<i>71.7</i>	<i>51</i>	<i>4.5</i>	<i>1,126</i>
District 3B	31	21.1	111	75.5	5	3.4	147
District 4A	54	27.7	132	67.7	9	4.6	195
District 4B	28	17.5	122	76.3	10	6.3	160
District 5	58	18.3	246	77.6	13	4.1	317
District 8A	37	22.6	119	72.6	8	4.9	164
District 8B	60	42.0	77	53.8	6	4.2	143
<i>Third Judicial Division</i>	<i>554</i>	<i>28.5</i>	<i>1,311</i>	<i>67.5</i>	<i>78</i>	<i>4.0</i>	<i>1,943</i>
District 9	27	13.3	174	85.7	2	1.0	203
District 9A	16	14.5	78	70.9	16	14.5	110
District 10	307	30.8	661	66.2	30	3.0	998
District 14	94	35.2	160	59.9	13	4.9	267
District 15A	69	31.4	145	65.9	6	2.7	220
District 15B	41	28.3	93	64.1	11	7.6	145

Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
(Active Sentences Only)
FY 2011/12 Felonies

Number and Percent of Active Sentences Falling Within Specified Range by Judicial Division and Judicial District	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	%	#	
<i>Fourth Judicial Division</i>	<i>363</i>	<i>28.5</i>	<i>867</i>	<i>68.1</i>	<i>43</i>	<i>3.4</i>	<i>1,273</i>
District 11A	30	20.4	112	76.2	5	3.4	147
District 11B	104	57.5	71	39.2	6	3.3	181
District 12	110	28.1	264	67.5	17	4.3	391
District 13A	26	25.0	74	71.2	4	3.8	104
District 13B	29	26.9	77	71.3	2	1.9	108
District 16A	34	23.6	105	72.9	5	3.5	144
District 16B	30	15.2	164	82.8	4	2.0	198
<i>Fifth Judicial Division</i>	<i>553</i>	<i>31.9</i>	<i>1,072</i>	<i>61.8</i>	<i>111</i>	<i>6.4</i>	<i>1,736</i>
District 17A	32	28.3	68	60.2	13	11.5	113
District 17B	24	22.9	77	73.3	4	3.8	105
District 18	190	24.5	545	70.1	42	5.4	777
District 19B	27	28.4	62	65.3	6	6.3	95
District 19D	29	27.4	66	62.3	11	10.4	106
District 21	211	54.1	164	42.1	15	3.8	390
District 23	40	26.7	90	60.0	20	13.3	150
<i>Sixth Judicial Division</i>	<i>391</i>	<i>32.3</i>	<i>781</i>	<i>64.4</i>	<i>40</i>	<i>3.3</i>	<i>1,212</i>
District 19A	106	47.1	110	48.9	9	4.0	225
District 19C	61	29.0	146	69.5	3	1.4	210
District 20A	39	24.2	113	70.2	9	5.6	161
District 20B	40	28.8	96	69.1	3	2.2	139
District 22A	45	22.5	148	74.0	7	3.5	200
District 22B	100	36.1	168	60.6	9	3.2	277

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
(Active Sentences Only)
FY 2011/12 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Judicial Division and Judicial District	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Seventh Judicial Division</i>	<i>411</i>	<i>23.4</i>	<i>1,188</i>	<i>67.8</i>	<i>154</i>	<i>8.8</i>	<i>1,753</i>
District 25A	39	27.7	101	71.6	1	0.7	141
District 25B	35	25.2	99	71.2	5	3.6	139
District 26	235	25.6	593	64.5	91	9.9	919
District 27A	42	17.6	173	72.4	24	10.0	239
District 27B	60	19.0	222	70.5	33	10.5	315
<i>Eighth Judicial Division</i>	<i>167</i>	<i>23.9</i>	<i>513</i>	<i>73.4</i>	<i>19</i>	<i>2.7</i>	<i>699</i>
District 24	18	18.4	73	74.5	7	7.1	98
District 28	64	26.4	175	72.3	3	1.2	242
District 29A	19	15.4	102	82.9	2	1.6	123
District 29B	33	28.2	83	70.9	1	0.9	117
District 30A	8	14.8	41	75.9	5	9.3	54
District 30B	25	38.5	39	60.0	1	1.5	65
<i>STATE TOTAL</i>	<i>2,856</i>	<i>26.9</i>	<i>7,232</i>	<i>68.2</i>	<i>517</i>	<i>4.9</i>	<i>10,605</i>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 2 death sentences and 69 convictions with life sentences were excluded from this table. Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

APPENDIX D

ADDITIONAL FELONY DATA BY CRIME TYPE AND OFFENSE

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense
FY 2011/12 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	2,970	65.1	1,457	31.9	137	3.0	54.4	71.1	4,564
1 st Degree Murder	70	100.0	.	.	.	.	.	.	70
2 nd Degree Murder	208	100.0	.	.	.	.	173.6	218.1	208
Attempted Murder	13	100.0	.	.	.	.	173.7	217.8	13
Voluntary Manslaughter	77	100.0	.	.	.	.	65.4	87.4	77
Involuntary Manslaughter	39	61.9	24	38.1	.	.	18.1	22.3	63
Felony Death by Vehicle	33	66.0	17	34.0	.	.	29.1	43.7	50
Armed Robbery	395	100.0	.	.	.	.	59.6	81.0	395
Att. /Consp. Armed Robbery	170	63.7	97	36.3	.	.	40.1	57.5	267
Common Law Robbery	326	57.7	239	42.3	.	.	15.0	19.0	565
Att. Common Law Robbery	42	54.5	18	23.4	17	22.1	10.0	14.7	77
Other Robbery	31	39.7	39	50.0	8	10.3	23.5	32.8	78
AWDWIKISI	72	100.0	.	.	.	.	83.6	109.8	72
AWDW Intent to Kill	34	55.7	27	44.3	.	.	26.0	40.6	61
ADWD Serious Injury	176	52.7	158	47.3	.	.	29.8	45.1	334
Assault Govt. Official	54	73.0	20	27.0	.	.	18.1	22.3	74
Assault by Strangulation	70	50.0	53	37.9	17	12.1	9.0	12.7	140
Other Felony Assaults	113	48.3	112	47.9	9	3.8	19.8	25.3	234
1 st Degree Rape	79	100.0	.	.	.	.	239.1	296.2	79
Attempted 1 st Degree Rape	18	100.0	.	.	.	.	132.2	168.4	18
2 nd Degree Rape	81	100.0	.	.	.	.	78.5	103.5	81
Attempted 2 nd Degree Rape	24	100.0	.	.	.	.	56.7	77.3	24
Statutory Rape/Sex Offense Against 13, 14, 15	36	100.0	.	.	.	.	193.3	241.3	36
Indecent Liberties with Child	237	50.4	233	49.6	.	.	16.9	20.9	470
Crime Against Nature, Incest, Bigamy	10	16.4	11	18.0	40	65.6	65.8	82.9	61

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2011/12 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Sexual Exploitation of Minor	20	33.9	28	47.5	11	18.6	25.3	36.4	59
Child Abuse	33	56.9	22	37.9	3	5.2	34.3	50.2	58
Registered Sex Off. Offenses	114	45.4	128	51.0	9	3.6	18.4	23.0	251
Other Sex Crimes	187	62.1	102	33.9	12	4.0	43.0	55.7	301
Kidnap/Abduction	134	69.1	60	30.9	.	.	50.0	68.8	194
Att./Consp. Kidnapping	.	.	.	.	.	.	.	.	0
All Other Person Felonies	74	48.1	69	44.8	11	7.1	18.7	23.4	154
Property	3,737	37.5	4,355	43.7	1,874	18.8	11.8	15.8	9,966
1st Degree Burglary	103	100.0	.	.	.	.	62.8	84.8	103
Att. 1st Degree Burglary	14	50.0	14	50.0	.	.	28.1	43.8	28
2nd Degree Burglary	75	53.2	66	46.8	.	.	15.3	19.6	141
Breaking/Entering	1,524	39.6	1,654	43.0	669	17.4	9.5	12.7	3,847
Att. Breaking/Entering	14	18.4	31	40.8	31	40.8	7.3	10.4	76
Larceny	852	38.2	1,001	44.9	378	16.9	10.2	13.8	2,231
Attempted Larceny	24	38.7	16	25.8	22	35.5	7.0	9.8	62
Possess/Receive Stolen Goods/Property	307	40.6	342	45.2	108	14.3	9.9	13.4	757
1st Degree Arson	4	100.0	.	.	.	.	78.0	103.3	4
2nd Degree Arson	11	30.6	25	69.4	.	.	14.3	17.4	36
Other Arson/Burning	34	34.3	43	43.4	22	22.2	14.9	20.3	99
Forgery	71	20.9	133	39.2	135	39.8	9.4	12.4	339
Fraud	130	30.4	215	50.2	83	19.4	12.9	16.4	428
Embezzlement	25	14.7	60	35.3	85	50.0	13.1	17.9	170
Obtain Property by False Pretenses	462	34.7	628	47.2	241	18.1	10.9	14.5	1,331
Attempt Obtain Property by False Pretenses	39	34.8	55	49.1	18	16.1	10.3	13.5	112
All Other Property Felonies	48	23.8	72	35.6	82	40.6	10.0	12.7	202

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2011/12 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Non-Trafficking Drugs</i>	1,796	23.8	3,430	45.5	2,312	30.7	13.4	17.9	7,538
Sell/Deliver Drugs	423	30.7	811	58.8	145	10.5	14.0	17.8	1,379
Consp. to Sell/Deliver Drugs	36	28.6	81	64.3	9	7.1	11.5	14.6	126
Manufacture Drugs	51	27.7	48	26.1	85	46.2	50.6	68.3	184
Possession with Intent	521	24.9	901	43.1	667	31.9	9.5	12.6	2,089
Drug Possession	301	13.3	906	40.1	1,050	46.5	7.3	10.5	2,257
Other Drug Felonies	464	30.9	683	45.4	356	23.7	17.3	23.3	1,503
<i>Other Felony</i>	2,173	59.5	1,250	34.2	227	6.2	37.9	49.9	3,650
Weapon Offense	597	44.5	713	53.1	32	2.4	16.0	20.9	1,342
Habitual Felon	703	100.0	.	.	.	.	80.5	106.2	703
Habitual Breaking/Entering	14	93.3	1	6.7	.	.	28.9	46.9	15
Habitual Misd. Assault	63	64.3	35	35.7	.	.	10.3	14.5	98
Habitual Impaired Driving	306	98.7	4	1.3	.	.	17.1	21.5	310
Motor Vehicle Offenses	200	43.8	195	42.7	62	13.6	10.5	14.2	457
Crimes Against Admin. Just.	13	44.8	10	34.5	6	20.7	11.4	15.5	29
All Other Felonies	277	39.8	292	42.0	127	18.2	27.6	36.6	696
<i>STATE TOTAL</i>	10,676	41.5	10,492	40.8	4,550	17.7	29.1	38.3	25,718

Note: Of the 28,169 felony convictions in FY 2011/12, 2,451 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

**Appendix D, Table 2: Sentence Location by Crime Type and Offense
(Active Sentences Only)
FY 2011/12 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Person</i>	797	27.5	1,915	66.1	187	6.5	2,899
2 nd Degree Murder	53	25.5	115	55.3	40	19.2	208
Attempted Murder	6	46.2	6	46.2	1	7.7	13
Voluntary Manslaughter	21	27.3	48	62.3	8	10.4	77
Involuntary Manslaughter	5	12.8	27	69.2	7	17.9	39
Felony Death by Vehicle	4	12.1	28	84.8	1	3.0	33
Armed Robbery	170	43.0	220	55.7	5	1.3	395
Att. Consp. Armed Robbery	50	29.4	113	66.5	7	4.1	170
Common Law Robbery	55	16.9	249	76.4	22	6.7	326
Att. Common Law Robbery	6	14.3	32	76.2	4	9.5	42
Other Robbery	6	19.4	22	71.0	3	9.7	31
AWDWIKISI	12	16.7	52	72.2	8	11.1	72
AWDW Intent to Kill	8	23.5	23	67.6	3	8.8	34
AWDW Serious Injury	35	19.9	122	69.3	19	10.8	176
Assault Govt. Official	14	25.9	39	72.2	1	1.9	54
Assault by Strangulation	13	18.6	53	75.7	4	5.7	70
Other Felony Assaults	35	31.0	75	66.4	3	2.7	113
1 st Degree Rape	24	30.8	44	56.4	10	12.8	78
Attempted 1 st Degree Rape	11	61.1	7	38.9	.	.	18
2 nd Degree Rape	24	29.6	52	64.2	5	6.2	81
Attempted 2 nd Degree Rape	13	54.2	11	45.8	.	.	24
Statutory Rape/Sex Offense Against 13, 14, 15	11	30.6	25	69.4	.	.	36
Indecent Liberties w/ Child	34	14.3	188	79.3	15	6.3	237
Crime Against Nature	1	10.0	9	90.0	.	.	10
Sexual Exploitation of Minor	4	20.0	15	75.0	1	5.0	20

Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
(Active Sentences Only)
FY 2011/12 Felonies

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Type of Punishment
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Person (cont.)</i>							
Child Abuse	9	27.3	23	69.7	1	3.0	33
Registered Sex Off. Offenses	57	50.0	54	47.4	3	2.6	114
Other Sex Crimes	69	36.9	111	59.4	7	3.7	187
Kidnap/Abduction	18	13.4	111	82.8	5	3.7	134
All Other Person Felonies	29	39.2	41	55.4	4	5.4	74
Property	763	20.4	2,809	75.2	165	4.4	3,737
1st Degree Burglary	48	46.6	50	48.5	5	4.9	103
Att. 1st Degree Burglary	3	21.4	8	57.1	3	21.4	14
2nd Degree Burglary	11	14.7	54	72.0	10	13.3	75
Breaking/Entering	251	16.5	1,199	78.7	74	4.9	1,524
Att. Breaking/Entering	3	21.4	11	78.6	.	.	14
Larceny	187	21.9	634	74.4	31	3.6	852
Attempted Larceny	8	33.3	15	62.5	1	4.2	24
Possess/Receive Stolen Goods/Property	58	18.9	242	78.8	7	2.3	307
1st Degree Arson	1	25.0	3	75.0	.	.	4
2nd Degree Arson	1	9.1	10	90.9	.	.	11
Other Arson/Burning	9	26.5	22	64.7	3	8.8	34
Forgery	15	21.1	54	76.1	2	2.8	71
Fraud	35	26.9	91	70.0	4	3.1	130
Embezzlement	4	16.0	21	84.0	.	.	25
Obtain Property by False Pretenses	104	22.5	334	72.3	24	5.2	462
Attempt Obtain Property by False Pretenses	15	38.5	23	59.0	1	2.6	39
All Other Property Felonies	10	20.8	38	79.2	.	.	48

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
(Active Sentences Only)
FY 2011/12 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Non-Trafficking Drug</i>	<i>389</i>	<i>21.7</i>	<i>1,322</i>	<i>73.6</i>	<i>85</i>	<i>4.7</i>	<i>1,796</i>
Sell/Deliver Drugs	92	21.7	312	73.8	19	4.5	423
Consp. to Sell/Deliver Drugs	11	30.6	23	63.9	2	5.6	36
Manufacture Drugs	25	49.0	25	49.0	1	2.0	51
Possession with Intent	104	20.0	390	74.9	27	5.2	521
Drug Possession	74	24.6	212	70.4	15	5.0	301
All Other Drug Felonies	83	17.9	360	77.6	21	4.5	464
<i>Other Felony</i>	<i>907</i>	<i>41.7</i>	<i>1,186</i>	<i>54.6</i>	<i>80</i>	<i>3.7</i>	<i>2,173</i>
Weapon Offense	163	27.3	412	69.0	22	3.7	597
Habitual Felon	494	70.3	193	27.5	16	2.3	703
Habitual Misd. Assault	16	25.4	45	71.4	2	3.2	63
Habitual Impaired Driving	125	40.8	170	55.6	11	3.6	306
Motor Vehicle Offenses	29	14.5	161	80.5	10	5.0	200
Crimes Against Admin. Just.	3	23.1	9	69.2	1	7.7	13
Habitual Breaking/Entering	5	35.7	9	64.3	.	.	14
All Other Felonies	72	26.0	187	67.5	18	6.5	277
<i>STATE TOTAL</i>	<i>2,856</i>	<i>26.9</i>	<i>7,232</i>	<i>68.2</i>	<i>517</i>	<i>4.9</i>	<i>10,605</i>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 2 death sentences and 69 convictions with life sentences were excluded from this table.

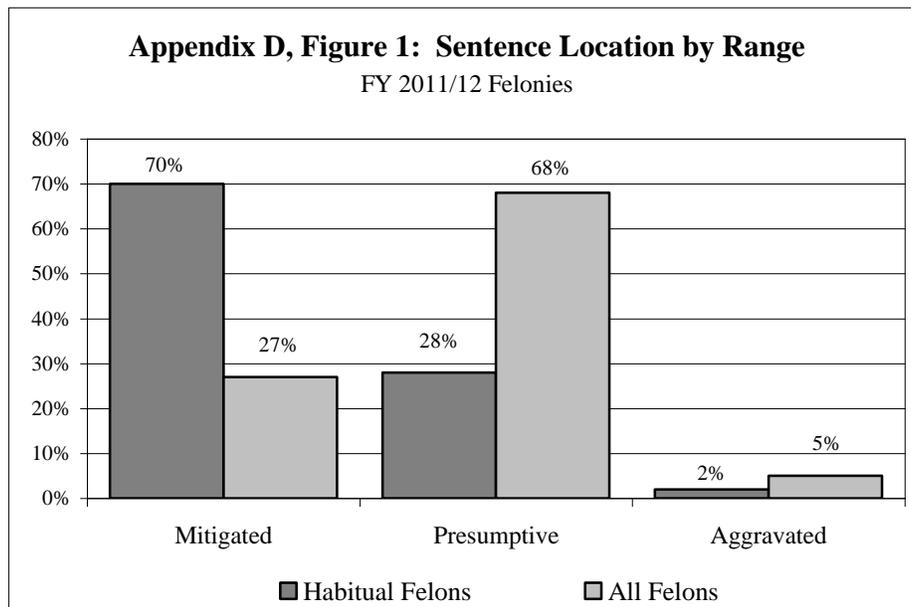
Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

**Appendix D, Table 3: Percentage of Sentences in the Mitigated Range and at the Lowest Spot of the Presumptive Range by Offense Class
FY 2011/12 Felonies**

Offense Class	% Mitigated	% Mitigated and Lowest Spot in Presumptive Range
B1	33	50
B2	31	42
C	58	70
D	42	61
E	20	46
F	30	59
G	22	52
H	20	53
I	21	53
TOTAL	27	55

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data



Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

APPENDIX E

**INTERMEDIATE AND COMMUNITY
PUNISHMENTS**

INTERMEDIATE PUNISHMENTS
(For offenses committed before December 1, 2011)

An Intermediate punishment requires a sentence of supervised probation with at least one of the following conditions:

1. **Split Sentence/Special Probation:** Requires the offender to submit to a specified period or periods of imprisonment in a prison or jail (total imprisonment may not exceed 25% of maximum sentence) followed by a term of probation. It may include special conditions such as recommendation for work release or serving the active term in an inpatient facility.
2. **Residential Facility:** Requires the offender to reside in a facility for a specified continuous period of time in order to participate in activities such as substance abuse counseling, social skills training, or employment training, which are conducted at the residence or at other specified locations.
3. **Day Reporting Center:** Requires mandatory attendance at a facility on a daily or otherwise regular basis at specified times for a specific length of time in order to participate in activities such as substance abuse counseling, social skills training, or employment training.
4. **Intensive Supervision Probation:** Requires close supervision by a probation officer in order to control and assist the offender to remain in the community pursuant to a Sentencing Services plan, community work plan, community restitution plan, or other plan of rehabilitation.
5. **House Arrest with Electronic Monitoring:** Requires the offender to remain in one or more specified places for a specified period or periods each day and to wear a device which permits the supervising agency to electronically monitor the offender's compliance with the conditions.
6. **Drug Treatment Court:** Requires the offender to participate in clinical treatment, maintain clean drug screens, be employed, and be paying towards his/her legal obligations while under the supervision of the court for a specific length of time.

COMMUNITY PUNISHMENTS
(For offenses committed before December 1, 2011)

A Community punishment is any authorized sentence that does not include an Active punishment or an Intermediate punishment. Community punishments can include, but are not limited to, one of the following: unsupervised or supervised probation (regular supervision without a condition of intensive supervision probation), outpatient drug/alcohol treatment, community service, restitution, fines, T.A.S.C. (Treatment Accountability for Safer Communities).

INTERMEDIATE PUNISHMENTS
(For offenses committed on or after December 1, 2011)

An Intermediate punishment requires a sentence of supervised probation. The sentence may include one or more of the following conditions:

1. **Special Probation:** Requires the offender to submit to a period of active confinement followed by a period of probation. (This is sometimes referred to as a split sentence.)
2. **Drug Treatment Court Program:** Requires the offender to comply with the rules adopted for the program pursuant to Article 62 of Chapter 7A of the General Statutes and to report on a regular basis for a specified time to participate in court supervision, drug screening or testing, and drug or alcohol treatment programs.
3. **House Arrest with Electronic Monitoring:** Requires the offender to remain at his or her residence unless the court or probation officer authorizes the offender to leave, and in which the offender shall wear a device which permits the supervising agency to monitor the offender's compliance with the condition.
4. **Community Service:** Requires the offender to perform service to the local community in an effort to promote the offender's rehabilitation and to provide services that help restore or improve the community.
5. **Period or Periods of Confinement in a Local Confinement Facility:** Requires the offender to submit to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement may only be imposed as two-day or three-day consecutive periods.
6. **Substance Abuse Assessment, Monitoring or Treatment.** *(This condition is not defined in statute.)*
7. **Educational or Vocational Skills Development Program.** *(This condition is not defined in statute.)*
8. **Satellite-Based Monitoring:** Requires the offender to submit to satellite-based monitoring, pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes (Sex Offender Monitoring), if the defendant is described by G.S. 14-208.40(a)(2).

COMMUNITY PUNISHMENTS
(For offenses committed on or after December 1, 2011)

A Community punishment is any authorized sentence that does not include an Active punishment, assignment to a Drug Treatment Court, or Special Probation. A Community punishment may consist of a fine only or a term of supervised or unsupervised probation which may include but is not limited to, one or more of the following:

1. **House Arrest with Electronic Monitoring:** Requires the offender to remain at his or her residence unless the court or probation officer authorizes the offender to leave, and in which the offender shall wear a device which permits the supervising agency to monitor the offender's compliance with the condition.
2. **Community Service:** Requires the offender to perform service to the local community in an effort to promote the offender's rehabilitation and to provide services that help restore or improve the community.
3. **Period or Periods of Confinement in a Local Confinement Facility:** Requires the offender to submit to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement may only be imposed as two-day or three-day consecutive periods.
4. **Substance Abuse Assessment, Monitoring or Treatment.** *(This condition is not defined in statute.)*
5. **Educational or Vocational Skills Development Program.** *(This condition is not defined in statute.)*
6. **Satellite-Based Monitoring:** Requires the offender to submit to satellite-based monitoring, pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes (Sex Offender Monitoring), if the defendant is described by G.S. 14-208.40(a)(2).

APPENDIX F

**COMMUNITY SERVICE AND RESTITUTION
FOR FELONIES**

**Appendix F, Table 1: Community Service by Offense Class
FY 2011/12 Felonies**

Offense Class	Number of Convictions	% of Convictions
A	0	0.0
B1	2	0.1
B2	0	0.0
C	2	0.1
D	8	0.3
E	119	3.9
F	163	5.3
G	327	10.6
H	1475	47.9
I	985	32.0
TOTAL	3,081	12.0

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

**Appendix F, Table 2: Community Service by Crime Type
FY 2011/12 Felonies**

Crime Type	Number of Convictions	% of Convictions
Person	282	9.2
Property	1,395	45.3
Non-Trafficking Drug	1,112	36.1
Other Felony	292	9.5
TOTAL	3,081	12.0

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

**Appendix F, Table 3: Community Service by Type of Punishment
FY 2011/12 Felonies**

Type of Punishment	Number of Convictions	% of Convictions
Active	116	3.8
Intermediate	1,851	60.1
Community	1,114	36.2
TOTAL	3,081	12.0

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

**Appendix F, Table 4: Restitution Ordered by Offense Class
FY 2011/12 Felonies**

Offense Class	Number of Convictions	% of Convictions
A	3	0.0
B1	3	0.0
B2	21	0.3
C	114	1.5
D	113	1.5
E	333	4.3
F	303	3.9
G	952	12.3
H	4,673	60.1
I	1,257	16.2
TOTAL	7,772	30.2

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

**Appendix F, Table 5: Restitution Ordered by Crime Type
FY 2011/12 Felonies**

Crime Type	Number of Convictions	% of Convictions
Person	726	9.3
Property	5,046	64.9
Non-Trafficking Drug	1,524	19.6
Other Felony	476	6.1
TOTAL	7,772	30.2

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

**Appendix F, Table 6: Restitution Ordered by Type of Punishment
FY 2011/12 Felonies**

Type of Punishment	Number of Convictions	% of Convictions
Active	1,573	20.2
Intermediate	4,479	57.6
Community	1,720	22.1
TOTAL	7,772	30.2

Source: NC Sentencing and Policy Advisory Commission, FY 2011/12 Statistical Report Data

Disclaimer for AOC Data

These data are from the Administrative Office of the Courts' (AOC) Automated Criminal Infraction System (ACIS). These data are a snapshot in time and are subject to change from such factors as the sealing or expungement of records, corrections made to data entry, motions, appeals, or other legal actions that may change the nature, status or outcome of a case, and other factors. Data maintained in ACIS are intended for management of caseloads, basic record-keeping, and general statistics. These data reveal nothing about evidence presented or its weight or credibility, the reasons or validity of factual or legal arguments or conclusions presented or made, or any other of the myriad circumstances relevant to the results of any particular case. Therefore, the data should not be used or represented to reflect on the merits of the facts or the outcomes of cases. For that and many analytic purposes, it would be inappropriate and misleading to use these data as a substitute for a review of actual case files and/or transcripts. No analysis of or conclusions drawn from these data may be attributed to the AOC. Neither the analysis nor any conclusions in this report are accepted as accurate or endorsed by the AOC.

*****Effective for Offenses Committed on or after 12/1/95*****

MISDEMEANOR PUNISHMENT CHART

CLASS	PRIOR CONVICTION LEVEL		
	I	II	III
	No Prior Convictions	One to Four Prior Convictions	Five or More Prior Convictions
A1	C/I/A 1 - 60 days	C/I/A 1 - 75 days	C/I/A 1 - 150 days
1	C 1 - 45 days	C/I/A 1 - 45 days	C/I/A 1 - 120 days
2	C 1 - 30 days	C/I 1 - 45 days	C/I/A 1 - 60 days
3	C 1 - 10 days	C/I 1 - 15 days	C/I/A 1 - 20 days

A – Active Punishment I – Intermediate Punishment C – Community Punishment
Cells with slash allow either disposition at the discretion of the judge

***** Effective for Offenses Committed on or after 12/1/11 *****

**FELONY PUNISHMENT CHART
PRIOR RECORD LEVEL**

OFFENSE CLASS

	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
A	Death or Life Without Parole						
B1	A	A	A	A	A	A	DISPOSITION
	<i>240 - 300</i>	<i>276 - 345</i>	<i>317 - 397</i>	<i>365 - 456</i>	<i>Life Without Parole</i>	<i>Life Without Parole</i>	<i>Aggravated Range</i>
	192 - 240	221 - 276	254 - 317	292 - 365	336 - 420	386 - 483	PRESUMPTIVE RANGE
	<i>144 - 192</i>	<i>166 - 221</i>	<i>190 - 254</i>	<i>219 - 292</i>	<i>252 - 336</i>	<i>290 - 386</i>	<i>Mitigated Range</i>
B2	A	A	A	A	A	A	
	<i>157 - 196</i>	<i>180 - 225</i>	<i>207 - 258</i>	<i>238 - 297</i>	<i>273 - 342</i>	<i>314 - 393</i>	
	125 - 157	144 - 180	165 - 207	190 - 238	219 - 273	251 - 314	
	<i>94 - 125</i>	<i>108 - 144</i>	<i>124 - 165</i>	<i>143 - 190</i>	<i>164 - 219</i>	<i>189 - 251</i>	
C	A	A	A	A	A	A	
	<i>73 - 92</i>	<i>83 - 104</i>	<i>96 - 120</i>	<i>110 - 138</i>	<i>127 - 159</i>	<i>146 - 182</i>	
	58 - 73	67 - 83	77 - 96	88 - 110	101 - 127	117 - 146	
	<i>44 - 58</i>	<i>50 - 67</i>	<i>58 - 77</i>	<i>66 - 88</i>	<i>76 - 101</i>	<i>87 - 117</i>	
D	A	A	A	A	A	A	
	<i>64 - 80</i>	<i>73 - 92</i>	<i>84 - 105</i>	<i>97 - 121</i>	<i>111 - 139</i>	<i>128 - 160</i>	
	51 - 64	59 - 73	67 - 84	78 - 97	89 - 111	103 - 128	
	<i>38 - 51</i>	<i>44 - 59</i>	<i>51 - 67</i>	<i>58 - 78</i>	<i>67 - 89</i>	<i>77 - 103</i>	
E	I/A	I/A	A	A	A	A	
	<i>25 - 31</i>	<i>29 - 36</i>	<i>33 - 41</i>	<i>38 - 48</i>	<i>44 - 55</i>	<i>50 - 63</i>	
	20 - 25	23 - 29	26 - 33	30 - 38	35 - 44	40 - 50	
	<i>15 - 20</i>	<i>17 - 23</i>	<i>20 - 26</i>	<i>23 - 30</i>	<i>26 - 35</i>	<i>30 - 40</i>	
F	I/A	I/A	I/A	A	A	A	
	<i>16 - 20</i>	<i>19 - 23</i>	<i>21 - 27</i>	<i>25 - 31</i>	<i>28 - 36</i>	<i>33 - 41</i>	
	13 - 16	15 - 19	17 - 21	20 - 25	23 - 28	26 - 33	
	<i>10 - 13</i>	<i>11 - 15</i>	<i>13 - 17</i>	<i>15 - 20</i>	<i>17 - 23</i>	<i>20 - 26</i>	
G	I/A	I/A	I/A	I/A	A	A	
	<i>13 - 16</i>	<i>14 - 18</i>	<i>17 - 21</i>	<i>19 - 24</i>	<i>22 - 27</i>	<i>25 - 31</i>	
	10 - 13	12 - 14	13 - 17	15 - 19	17 - 22	20 - 25	
	<i>8 - 10</i>	<i>9 - 12</i>	<i>10 - 13</i>	<i>11 - 15</i>	<i>13 - 17</i>	<i>15 - 20</i>	
H	C/I/A	I/A	I/A	I/A	I/A	A	
	<i>6 - 8</i>	<i>8 - 10</i>	<i>10 - 12</i>	<i>11 - 14</i>	<i>15 - 19</i>	<i>20 - 25</i>	
	5 - 6	6 - 8	8 - 10	9 - 11	12 - 15	16 - 20	
	<i>4 - 5</i>	<i>4 - 6</i>	<i>6 - 8</i>	<i>7 - 9</i>	<i>9 - 12</i>	<i>12 - 16</i>	
I	C	C/I	I	I/A	I/A	I/A	
	<i>6 - 8</i>	<i>6 - 8</i>	<i>6 - 8</i>	<i>8 - 10</i>	<i>9 - 11</i>	<i>10 - 12</i>	
	4 - 6	4 - 6	5 - 6	6 - 8	7 - 9	8 - 10	
	<i>3 - 4</i>	<i>3 - 4</i>	<i>4 - 5</i>	<i>4 - 6</i>	<i>5 - 7</i>	<i>6 - 8</i>	

A – Active Punishment I – Intermediate Punishment C – Community Punishment
Numbers shown are in months and represent the range of minimum sentences

Revised: 08-11-11